

MOTION TO ADJOURN FROM LATE SESSION

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

April 26, 2018

The Senate reconvened at 9:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.

Dear God, we gather to make decisions for our state. May we use only our best skills in judgment, keeping ourselves impartial and neutral as we consider the merits and pitfalls of each matter that is placed before us, and always act in accordance with what is best for our state, and our community, and our fellow citizens. We seek blessings on the task before us. Bless our efforts with clear insight, our deliberations with wisdom, our work with clarity and accuracy, and our decisions with impartiality. We meet to serve our state, to use our resources wisely and well, to represent all members of our community fairly, to make good decisions that promote the common good. We recognize our responsibility to the past and the future, and the rights and needs of both individuals and communities. As trusted servants we seek blessings on our deliberations and our efforts here today; may we act wisely and well. Amen.

Senator Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT MORSE: I have one, maybe two. Representative DeSimone is in the back and her granddaughter Isabella is with her.

(The Chair recognized Senator Feltes for an introduction.)

SENATOR FELTES: Thank you, Mister President. In the gallery is a dear friend of mine and many in this chamber, who many of you know. She served as director of Planned Parenthood New Hampshire and has done great work in our community throughout her career. A great friend, a great colleague, great community advocate. Let's give a round of applause to Jennifer Frizzell.

INTRODUCTION OF PAGES

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Evan Crandelmire, Jennifer's son is here as a page today. Evan is age thirteen, you can stand up, Evan is age thirteen, he's in grade seven, lives in Concord, goes to Shaker Road School, his favorite subject is math, he's vice-president of student government, plays ice hockey and tennis and he also plays ping pong, he's very good at ping pong, he beats me at ping pong. Put that in the record. Member of the math counts team, he was recently competed in the state geography bee. He enjoys hiking, spending time outdoors and he's a very avid Boston sports fan. In the future he plans to attend college, major in business and computer science and hopefully create a medical technology start-up. Let's give a round of applause to Evan.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. It is my honor to introduce our page, Peter Reid. Peter's thirteen, is in the seventh grade at Shaker Road School, his hometown is Epsom and his favorite subject is history, but he next year will be a Latin I student. He is a football running back and linebacker. In baseball he catches and plays first base, skis and has a passion for politics, he's attended presidential debates and been to see numerous candidates. He is a two-term representative in his school student government and he's job shadow at the New Hampshire Institute of Politics and the New Hampshire Fisher Cats. He's been here to watch the House and Senate debate the state budget and policy bills. He plans to attend law school and enter business school and perhaps go into politics or business or sports business. So welcome Peter Reid.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES

HB 1791-FN, by Senator Bradley

PUBLIC AND MUNICIPAL AFFAIRS

HB 1307, by Senator Gray

TRANSPORTATION

HB 314, by Senator Birdsell

HB 500, by Senator Birdsell

HB 1549, by Senator Birdsell

HB 1595, by Senator Birdsell

HB 1614, by Senator Feltes

SPECIAL ORDER

Without objection, the following bills that were previously scheduled for Thursday, May 3, 2018 will be taken up on Wednesday, May 2, 2018. Adopted.

COMMERCE

HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.

HB 1690-FN, relative to liquor licenses.

EDUCATION

HB 1498, relative to alternate certification pathways for career and technical education instructors.

ENERGY AND NATURAL RESOURCES

HB 1402, relative to ordinances regarding forestry activities.

HEALTH AND HUMAN SERVICES

HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

JUDICIARY

HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity.

SPECIAL ORDER

Without objection, the following bills are special ordered to Wednesday, May 2, 2018. Adopted.

ENERGY AND NATURAL RESOURCES

HB 317, relative to changes in the system benefits charge.

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.

HEALTH AND HUMAN SERVICES

HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.

HB 1809-FN, relative to balance billing under the managed care law.

TRANSPORTATION

HB 314, relative to autonomous vehicles.

HB 500, relative to organizations that are authorized to issue decals.

WAYS AND MEANS

HB 1251, relative to indicia for payment of taxes on the transfer of real property.

SENATE CLERK'S NOTE

The FN report was inadvertently in the wrong order in the Daily Journal and has been corrected in the Permanent Journal.

FN REPORT FOR APRIL 26, 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

HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1307, relative to the first session of annual meetings.

REGULAR CALENDAR:

COMMERCE

HB 1416-FN, repealing the prohibition on bottle rockets.

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—if Inexpedient to Legislate recommendation is overturned.

ENERGY AND NATURAL RESOURCES

HB 1766-FN, relative to remediating the Coakley Landfill in Greenland.

HEALTH AND HUMAN SERVICES

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

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.

TRANSPORTATION

HB 1428-FN, relative to removal of roadside memorials.

HB 1718-FN, relative to surveillance on the public ways of the state—if Interim Study recommendation is overturned.

WAYS AND MEANS

HB 124-FN, relative to certain aircraft registration fees and airways tolls.

HB 1251, relative to indicia for payment of taxes on the transfer of real property.

HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

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 1819-FN, relative to administration of the education 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:

TRANSPORTATION

HB 388, relative to special number plates for veterans—if Inexpedient to Legislate recommendation is overturned.

HB 1614, relative to the international registration plan.

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor—if Interim Study recommendation is overturned.

REGULAR CALENDAR:

COMMERCE

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.

ENERGY AND NATURAL RESOURCES

HB 101-FN, relative to certification for solid waste operators—if Interim Study recommendation is overturned.

HB 141, relative to electric renewable energy classes—if Interim Study recommendation is overturned.

HB 485, relative to standards for emerging contaminants in drinking water.

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.

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."

HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.

JUDICIARY

HB 476, relative to the duties of registers of probate—if Interim Study recommendation is overturned.

HB 1775, relative to the appointment of guardians ad litem in parenting cases.

WAYS AND MEANS

HB 169-FN, relative to limits on wagers in charitable games of chance.

HB 1673-FN-L, relative to the interest charged on late and delinquent property tax payments.

HB 1686-FN, relative to applications for and the use of education tax credits.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.

Inexpedient to Legislate, Vote 5-0. Senator Ward for the committee.

This bill would have allowed mortgage holders to be held responsible for deferred property tax on a foreclosed property. The committee felt that this would change the priority lien status for mortgage holders and have a negative impact on the tax deferral program.

HB 1237, relative to the definition of “public at large.”

Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

This bill would insert a statutory definition of “public at large” and aims to prevent elected officials from being appointed to committees as member of the public at large. The committee was concerned that the bill would prevent elected local officials from serving on state committees or commissions. Municipalities are able to define “public at large” in their codes or ordinances which makes this bill unnecessary.

HB 1307, relative to the presentation of a default budget.

Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would require the presentation of the default budget at the deliberative session to include individual line items. The committee was concerned with the amount of detail being provided and the impact it would have on longer term contracts. In addition, SB 342 was already passed by the Senate and deals with this issue in a less burdensome way and with more clarity.

HB 1332, allowing warrant articles to be split by the deliberative session.

Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would allow warrant articles to be split at the deliberative session. The committee heard testimony that this is already allowed and this bill would only affect SB2 towns. The committee felt the motion of inexpedient to legislate is appropriate given that this bill will just add confusion to what is already allowed.

HB 1340, relative to absences among officers required to be present at school district elections.

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

This bill will authorize a school board member to appoint a school board member pro tem to perform his or her duties at a school board election in the instance he/she is unable to perform his or her duties. This is currently allowed for town select board members and this bill will bring the law consistent for the school board members.

HB 1361, relative to county audits.

Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

This bill would modify the time frame for the completion of a county audit and requires the executive committee of the county convention to review the audit report. The committee heard testimony that this bill included old language which does not reflect changes made to the statute last year. Testimony was also presented that requiring the executive committee to review the audit report for compliance with all state and federal laws is unworkable due to the number of rules.

HB 1450, relative to retention of job applications and personnel files. Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

This bill as amended decreases the time municipal employee records are required to be retained from 50 years to 20 years. The committee felt that 20 years would allow plenty of time for anyone needing access to employee information for retirement, referral or other purposes to obtain it.

Public and Municipal Affairs

April 18, 2018

2018-1633s

06/05

Amendment to HB 1450

Amend RSA 33-A:3-a, LX as inserted by section 1 of the bill by replacing it with the following:

LX. Job applications-successful: retirement or termination plus [50] **20** years.

Amend RSA 33-A:3-a, XCVI as inserted by section 2 of the bill by replacing it with the following:

XCVI. Personnel files: retirement or termination plus [50] **20** years.

TRANSPORTATION

HB 388, relative to special number plates for veterans.

Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This bill would modify the availability of special number plates for veterans by allowing veterans to obtain trailer plates. The Transportation Committee feels as though this legislation is largely unnecessary and that its \$30,000 fiscal impact is excessive.

HB 1262-L, relative to online driver education.

Interim Study, Vote 5-0. Senator Watters for the committee.

This bill would allow the classroom portion of driver education to be fulfilled by the completion of certain online driver education courses. While the Transportation Committee agrees that alternative methods of learning are important for students who may have various constraints, further study is needed to determine the merits of online driver education here in New Hampshire.

HB 1613, relative to operation of uninspected vehicles.

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

This bill allows New Hampshire licensed repairers and dealers to purchase an uninspected, used vehicle or registered, uninspected vehicle from a location and operate the vehicle to relocate it to the dealer or repairer's place of business within 24 hours. This legislation is predicated on the fact that the vehicle is safe for road use. This bill helps to bring parity to this industry by affording dealers and repairers the same luxury that is given to other citizens and industries here in New Hampshire.

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor.

Interim Study, Vote 5-0. Senator Watters for the committee.

This bill would establish a road usage fee for vehicles registered to travel on state roads based on the equivalent miles per gallon of

the vehicle. This fee would be collected at the time of the annual registration of the vehicle and placed into the highway fund. The bill would also make an appropriation to the Department of Safety to implement this fee. The Transportation Committee believes that further study is needed on this legislation, including determining the best mechanism on which to base such a fee.

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

REGULAR CALENDAR

COMMERCE

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.

Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 407. This bill requires workers' compensation to cover prophylactic treatment for exposure. Under current law as an example, a doctor who takes care of his or her patient and is critically exposed to an airborne illness, such as meningitis, needed antibiotics, were denied for their workers' compensation claim. Only bloodborne illnesses are covered by workers' compensation at this time. When taking care of these patients the risk of contracting the illness significantly increases. This bill is not for preventative treatment such as a flu shot, but it's to combat the critical illness or a potential critical illness during its incubation period. This will prevent the employee from missing work and in the worst case scenario actually dying. There are companies that do cover this type of treatment however it is generally a gray area. This bill clarifies ambiguities and I encourage the body to vote House Bill 407 Ought to Pass. Thank you, Mister President.

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

HB 1201, relative to an employee's earned but unused vacation time.

Inexpedient to Legislate, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 1201. It is already required under RSA 275:49 that employers provide their employees with a written notice about the terms and conditions of their benefits including vacation time, however the discretion is up to the employer to create a benefit plan that is best suited for the company. This bill takes the employer's discretion away from them by requiring them to pay out vacation time at certain times. This creates burdensome budgets and cash flow problems for the employers. This bill could create the potential for the employee giving themselves a pay raise if they choose to be paid instead of taking the vacation time. People cannot be forced to use their vacation days, ever. In certain instances companies can be paying thousands of dollars for unused time which creates a huge burden especially for small businesses within the state. Please support the recommendation of Inexpedient to Legislate on House Bill 1201. Thank you, Mister President.

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

HB 1416-FN, repealing the prohibition on bottle rockets.

Ought to Pass, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, it is a great day for fireworks. As I had said a few months ago or maybe a

year ago Mister President, I was thinking we could celebrate the Fourth of July every single day. Some of you might remember that we brought forth a bill to reinstate the ability of people just to have a little firework, a lady finger, had been outlawed in our state. At the same time we had a conversation relative to the fact that we have also outlawed bottle rockets. Something I'm sure some of you in here, probably Senator French more than the others, would like to fire them at their friends, but the truth is this is one of the smallest fireworks commercially available anywhere today. But unfortunately some years ago, someone actually got hurt lighting off a bottle rocket. And in the typical overreach of what we see in government, they made a decision to ban them, thinking it would keep everybody safe. The truth of the matter is today, you can buy and light off a four inch mortar, two feet tall that goes three or four hundred feet into the air and we consider that to be a legal use of our fun time, but just a tiny little bottle rocket is outlawed. Mister President, it is an injustice to fun. So what this bill does is it repeals the prohibition on the sale of bottle rockets. As I indicated before, years and years ago one person got injured, and the legislature overreacted to ban just the sale of bottle rockets. In this bill, the House amended it by guaranteeing a purchaser of a bottle rocket also now will get a bottle rocket launcher, Senator French's favorite device. This device will ensure that a stable holder would keep the bottle rocket aimed in a safe direction and increase safety of its use. The rocket launcher is stuck into the ground, ensuring that it is stable and will launch the rocket straight up into the air. All bottle rockets sold are tested and inspected by the American Fireworks Safety Laboratory, making sure they are safe for the consumers. And now I also want to note Mister President, that bottle rocket sales make up 15 percent of all fireworks sales in the states where they are still legal. So, the committee asks you to join us in voting Ought to Pass on House Bill 1416. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current motion because besides the issue of fun I think the issue of safety needs to be balanced. This legislation although it calls for the purchase of a launcher, does not require the use of a launcher. These devices can be set off and go as much as 200, 250 feet, in a congested neighborhood like where I live in Manchester, the potential for danger of the use of these devices is truly significant. The fact that somebody was killed using a bottle rocket was the reason that this legislation was enacted in the first place. That also occurred in the city of Manchester and there have been numerous incidents since then and leading up to that with the legal use obviously bottle rockets but there are accidents, the potential for people getting hurt with even proper use but definitely with misuse of this product is very significant. This is not good public policy, there are plenty of opportunities to purchase fireworks now in the state and use them, this is not a device that's going to create any more fun for anyone, but has the potential to create grave harm. And for that reason the New Hampshire Department of Safety, the Fire Marshal's Office and many of our local fire chiefs have expressed concern about the passage of this legislation. Thank you, 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: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Feltes, Cavanaugh, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to Third Reading.

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.

Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1700. This bill modernizes the language for procedures regarding security freezes on consumer credit reports. This will allow for consumers to freeze their own account via electronic, telephone or first class mail without any fees. Currently for someone to freeze their credit, even for mistakes, that are not the fault of the consumer, they are charged. This allows a consumer to freeze their credit report themselves, not through an agency. This will not create a burden for the agency and better to protect the citizens of New Hampshire and its consumers. Please join the committee in voting House Bill 1700 Ought to Pass. Thank you, Mister President.

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

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.

Inexpedient to Legislate, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I don't know why I volunteer so much, but... I move Inexpedient to Legislate on House Bill 1715. This bill establishes a committee to study the options a tenant in a manufactured housing park has to dispute an unreasonable and arbitrary increase in rent. Currently there is already an association to handle these disputes known as the Manufactured Housing Consumer Protection Program which is handled by a mediator who was a retired judge, and is free of cost to the resident. The program has only been used fifteen times since 2005. This legislation is unnecessary because there is already a program in place to handle the renter's feuds among the owner and the residents and it is infrequently used. There was a problem just recently, the group went to the manufactured housing park association and they resolved it to both of their satisfactions. So please I ask you to vote with the committee recommendation of Inexpedient to Legislate on House Bill 1715. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition to the pending motion. As a co-sponsor of this bill and worked on the issue I do agree that a study committee is not necessary. I also agree that there is a process in place to allow for tenants of manufactured home parks to go through a mediation process when there is an arbitrary and unreasonable rent increase, which by the way, if you're renting a mobile home, you're renting that lot, it's not like you can pick up your home immediately and transfer it someplace else if you get hit with a rent increase. That's why we have these processes in place. So what happens is people have not been able to exercise this process, this mediation process, in large measure because they don't know about it. So I've got a Floor Amendment

that's been discussed throughout this legislative process that just says, that there's already a mandatory notice of your rent increase, add to that pre-existing notice, notice that you can go through this mediation process. That's it. Doesn't change existing rights, doesn't alter the balance of power between manufactured home parks and tenants. All it does, it says when you provide that notice that says your rent's going up, you also include in it that you may have the right to go to mediation to try to resolve this. I think we all appreciate mediated results, not litigation, and to have that notice for tenants is really important so let's vote down ITL, so we can get to this pretty basic Floor Amendment about transparency, about people's rights. Thank you, Mister President.

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

SENATOR GIUDA: Thank you for taking my question, Senator. Who's the determinant of arbitrary and unreasonable?

SENATOR FELTES: Thank you very much Senator, the debate right now is not about that. The debate right now is about whether or not there's a study committee, whether or not there's a replace all amendment that just provides notice about a pre-existing mediation process, which is what I'm arguing for, or whether we do nothing. So that debate is not part of the debate anymore of where we're at.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to support what the Senator from District 15 has suggested. Sometimes in this life, knowledge of a process is not available. Without knowledge of the process you're in limbo. This amendment that the Senator is suggesting, doesn't do anything except provide information. Information saves the nation. Are we against information? Are we against people knowing their rights? There are many of these mobile home parks in the state of New Hampshire. Some of them are owned by the tenants, some of them are owned by outside landlords. As the Senator pointed out, in many instances you're renting the land. Very tough for you to move that situation on a moment's notice. So if an unreasonable request is brought forward, there is a process, but you got to know about the process. And I give you the basic illustration that shows limited knowledge of the process is problematic. When we passed education reform we created a fund to help people with their real estate taxes. That money lapsed at the end of the biennium because people didn't understand the process and didn't know the process. We don't want that to happen. People deserve an opportunity just to know what the process is so that they can take advantage of it. This amendment, as I understand it, does nothing except allow people to get information. None of us can be opposed to that. As I said, information does save the nation. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I'd like to first say that this park, this whole bill came about because of one park in this state. I used to live two miles from this park, I know the owner and I'm friends with a lot of people that live in this park today. There is nothing that says these people did not know their rights. They went and they went before the board, and to punish all the other good park owners in the state by forcing them to add new language, it's not needed, and I ask you to vote for the ITL. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Briefly. I respectfully disagree with my friend from Franklin. Look, these folks didn't know about the process until we informed them about the process. Then they exercised their rights in the process, that's number one. Number two is this is a broad based issue and it's been a long standing issue. My friend from District 7 even noted there's only been fifteen of these. There's been thousands of rent increases in parks across the state. There's only been fifteen exercising their rights to go to mediation? It's because people don't know about it. It's not a burden to copy and paste a couple sentences to a pre-existing notice that has to be provided that says your rent's going up, and oh by the way, here's a couple sentences that says you can go to mediation. That's not a burden. So let's vote down ITL, let's go forward with a common sense Floor Amendment. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. A roll call was requested by Senator Soucy, seconded by Senator Sanborn. The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon. Roll Call, Yeas: 13 - Nays: 11. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to Wednesday, May 2, 2018. Adopted.

EDUCATION

HB 1636, establishing a committee to study teacher preparation and education programs.

ENERGY AND NATURAL RESOURCES

HB 101-FN, relative to certification for solid waste operators. Interim Study, Vote 4-1. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 101 be referred to Interim Study. The bill lengthens the time a solid waste operator certificate is valid from one year to two years. It also exempts volunteer solid waste operators from the certification requirement. The committee heard testimony that the bill would result in a nearly 50 percent decrease in revenue for the Department of Environmental Services from that fund. This revenue is used for important training assistance programs for solid waste operators around the state. Testimony also indicated that the language for an exemption for volunteer solid waste operators was too broad in scope. The committee felt that passage of the bill in its current form raised many unintended consequences and that these effects need to be reviewed thoroughly. The Senate Energy and Natural Resources Committee asks for your support for the motion of interim study on House Bill 101.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 141, relative to electric renewable energy classes. Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you again, Mister President. I also move House Bill 141 be referred to Interim Study. The bill would permit the PUC, the Public Utilities Commission, to modify renewable energy portfolio standards according to expected annual output for Class I and Class

II of the renewable portfolio standards law. This bill gives the PUC the ability to modify the annual compliance obligations and should an insufficient supply of renewable energy credits be available. The committee felt passage of the bill in its current form raised unintended consequences and those effects need to be reviewed thoroughly. The Senate Energy and Natural Resources Committee asks for your support of the motion of Refer to Interim Study on House Bill 141. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted. HB 485, relative to standards for emerging contaminants in drinking water. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources

April 17, 2018

2018-1598s

04/05

Amendment to HB 485

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

AN ACT relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

Amend the bill by replacing all after section 4 with the following:

5 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.

6 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 Envi-

ronmental 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.

7 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.

8 Effective Date.

I. Sections 1, 2, and 5-7 of this act shall take effect 60 days after passage.

II. Section 3 of this act shall take effect 180 days after passage.

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

2018-1598s

AMENDED ANALYSIS

This bill:

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.

III. Requires the commissioner of the department of environmental services to adopt ambient groundwater quality standards using certain scientific information.

IV. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services.

V. Requires the commissioner of the department of environmental services to adopt a state drinking water standard relative to perfluorochemicals.

VI. Requires the commissioner of the department of environmental services to establish ambient groundwater quality standards relative to perfluorochemicals.

VII. Requires the commissioner of the department of environmental services to establish surface water quality standards relative to perfluorochemicals.

SENATOR INNIS: Thank you, Mister President. I move House Bill 485 Ought to Pass with Amendment. This bill allows the Department of Environmental Services to make rules regarding air pollution and the deposit of such pollutants on soils and water. It also regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants. The bill requires the Commissioner of the DES to adopt ambient groundwater quality standards using certain scientific information. To accomplish these objectives, the bill establishes a toxicologist position and a human health risk assessor position in the Department of Environmental Services. As you know water quality has been a persistent problem throughout the state, affecting individuals, families, and businesses, particularly in the seacoast. This bill provides the tools necessary for DES to protect this state's water resources to protect our most vulnerable. The bill sets timelines for DES to review certain contaminants that may be in drinking water and in the groundwater. It also gives the DES the ability to regulate air emission devices where emissions may lead to groundwater contamination. The amendment requires the Commissioner of DES to adopt a state drinking water standard, an ambient groundwater quality standard, and a surface water quality standard relative to certain PFCs, or perfluorochemicals. Emerging contaminants like PFCs pose a potentially serious health risk to those in our state. The amendment compels DES to adopt certain standards in regard to these chemicals to protect the public health. The DES will examine peer reviewed science and other methodologies undertaken by other states and the Environmental Protection Agency to arrive at a set standard. The bill requires the DES to undertake an annual review of these standards to ensure they are in line with recent scientific data. The amendment also adds two compounds that have been added to the list of emerging contaminants: PFNA and PFHxS. It is vitally important 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 is excited to ask for your support for the motion of Ought to Pass with Amendment on House Bill 485-FN. 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.

Senator Bradley moved to Lay on the Table HB 485. Adopted.

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.

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

Energy and Natural Resources

April 18, 2018

2018-1628s

08/04

Amendment to HB 1101-FN

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

AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater and surface water.

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

1 New Subparagraph; Rulemaking; Air Contaminant Impacts on Soil and Water. Amend RSA 125-C:4, I by inserting after subparagraph (s) the following new subparagraph:

(t) The determination of air contaminants subject to regulation, applicability thresholds, determination of best available control technology, and procedures to determine potential impacts of the deposit of such contaminants from the air on soils or water resources to implement RSA 125-C:10-e.

2 New Section; Requirements for Air Emissions of Perflourinated Compounds Impacting Soil and Water. Amend RSA 125-C by inserting after section 10-d the following new section:

125-C:10-e Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water.

I. For the purposes of this section:

(a) "Best available control technology" means "best available control technology" as defined in RSA 125-C:10-b, I(a).

(b) "Ambient groundwater quality standard" means "ambient groundwater quality standard" as defined in RSA 485-C:2, I.

(c) "Surface water quality standard" means "surface water quality standard" established in or pursuant to RSA 485-A.

(d) "Perfluorinated Compounds" or "PFCs" means the list of compounds identified in paragraph 1.1 of Environmental Protection Agency Document#: EPA/600/R-08/092 Method 537. "Determination of Selected Perfluorinated Alkyl Acids in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)", Version 1.1 (September 2009).

(e) "Precursor" means any substance that has been shown by sound science to be transformed into a PFC under ambient conditions reasonably expected to occur in New Hampshire.

II. A device that emits to the air any PFCs or precursors that have caused or contributed to an exceedance of an ambient groundwater quality standard or surface water quality standard as a result of the deposition of any such PFCs or precursors from the air, shall be subject to the determination and application of best available control technology. Within 6 months of the department determining that the device is subject to such control technology, the owner of the device shall submit to the department an application for a permit. Within 12 months of permit issuance, the applicant shall complete construction and installation of controls consistent with the permit. Operation of the source may continue through the permitting, construction, and installation time period. A source which can demonstrate to the department that its device no longer contributes to an exceedance of an ambient groundwater quality standard or surface water quality standard shall be exempt from this section.

III. The construction, installation, or modification of any device that has the potential, based on an applicability threshold adopted by the department, to cause or contribute to an exceedance of an ambient groundwater quality standard or surface water quality standard as a result of the deposition of any PFCs or precursors from the air, shall be prohibited without first applying for and obtaining a permit from the department that establishes emission limitations for such device based on best available control technology.

IV. Part of the initial application for a permit under this section shall include an analysis of best available control technology for controlling

emissions. Any permit issued shall contain inspection, testing, and reporting requirements, as applicable, to ensure the conditions of the permit are met.

V. Any determination of best available control technology under this section shall be subject to the following:

(a) In no event shall application of best available control technology result in:

(1) Emission of any air contaminant that would exceed the emissions allowed by any applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter.

(2) Emission of any air contaminant subject to this section in an amount disproportionate to the emissions of such air contaminant from other similar air pollution control devices for that air contaminant at facilities using similar technology.

(3) Emission of any air contaminant subject to this section which causes or contributes to or has the potential to cause or contribute to an exceedance of an ambient groundwater quality standard or surface water quality standard, as a result of the deposition of the contaminant from the air.

(b) If the department determines that the facility has more than one device that emits air contaminants subject to this section, the department shall determine best available control technology emission limitations for each such device.

VI. This section shall only pertain to PFCs for which at least one study has been conducted in accordance with generally accepted scientific principles that demonstrates that the PFC of concern is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such PFC. The implementation of this section shall only rely upon standards that are based on federal maximum contaminant levels, health advisories, provisional health advisories; standards that are derived from federally published toxicological data; or more restrictive New Hampshire state standards.

3 New Subparagraph; Statement of Purpose. Amend RSA 485:1, II by inserting after paragraph (h) the following new subparagraph:

(i) Adopt primary drinking water standards by establishing maximum contaminant limits or treatment techniques.

4 Drinking Water Rules. Amend RSA 485:3 I(b) to read as follows:

(b) ***After consideration of the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, and the costs and benefits to affected parties that will result from establishing the standard, a*** specification for each contaminant of either:

(1) A maximum contaminant level that is acceptable in water for human consumption[~~if it is feasible to ascertain the level of such contaminant in water in public water systems~~]; or

(2) One or more treatment techniques or methods which lead to a reduction of the level of such contaminant sufficient to protect the public health, if it is not feasible to ascertain the level of such contaminant in water in the public water system; and

5 New Subdivision; Perfluorochemicals. Amend 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health

and human services and other interested parties, initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

6 Ambient Groundwater Quality Standards. Amend RSA 485-C:6 to read as follows:

485-C:6 Ambient Groundwater Quality Standards.

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. ***Where state maximum contaminant levels have been adopted under RSA 485:3, I(b), ambient groundwater quality standards shall be equivalent to such standards.*** Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be ~~equivalent to~~ ***no less stringent than*** such standards. ***The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health.*** Where such standards are ***established*** based upon ***health advisories that address*** cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal ***or state*** maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

II. ***Health advisories that are adopted as ambient groundwater quality standards shall be reviewed by the department at least every 5 years to determine if new research warrants revising the current ambient groundwater quality standard. If the department finds a revision is necessary it shall conduct rulemaking to adopt the revised standard.***

III. Ambient groundwater quality standards shall be the water quality basis for issuance of groundwater discharge permits under RSA 485-A: 13.

[HH:] IV. Except for discharges of domestic wastewater regulated under RSA 485-A:13 and RSA 485-A:29, no person shall violate ambient groundwater quality standards.

V. ***By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, initiate rulemaking to adopt ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS).***

VI. ***By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, conduct a review to determine whether current research warrants revising the existing ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).***

7 Department of Environmental Services; Surface Water Quality Standards. The commissioner of environmental services shall develop a plan, including a schedule and cost estimates, to establish surface water qual-

ity standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters for all designated uses. The commissioner shall submit the plan upon its completion, but no later than January 1, 2020, to the house resources, recreation, and development committee and the senate energy and natural resources committee.

8 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified toxicologist position and one classified human health risk assessor for the purposes of developing appropriate standards to protect groundwater and drinking water quality under RSA 485-C. The sum necessary to pay the salary, benefits, and other costs related to the positions established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2019. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2018-1628s

AMENDED ANALYSIS

This bill:

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.

III. Clarifies the basis for and requires periodic review of ambient groundwater quality standards.

IV. Directs the department to evaluate the ambient ground water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and set ambient groundwater quality standards for perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

V. Establishes the criteria for setting maximum contaminant limits for public drinking water and directs the department to set maximum contaminant limits for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

VI. Directs the department to, in consultation with stakeholders, develop a plan, including a schedule and cost estimates, to establish surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS)

VII. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services and makes an appropriation to fund the positions.

SENATOR INNIS: Thank you, Mister President. If you're not tired of me already, you will be by 10:00 a.m. Thank you, Mister President. I move House Bill 1101-FN ought to pass with amendment. The bill allows the Department of Environmental Services to make rules regarding air

pollution and the deposit of such solutions on soils and water. It also regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants. It clarifies the basis for and requires periodic review of ambient groundwater quality standards. It also directs the department to evaluate and set ambient groundwater quality standards and maximum contaminant levels for PFOA, PFOS, PFHxS, and PFNA. To accomplish these objectives, the bill establishes a toxicologist position and a human health risk assessor position in the DES. Water quality has been a persistent problem throughout the state. This bill will give DES the necessary tools to provide safe drinking water and to protect our citizens. The bill again directs DES to review or establish standards for contaminants that are found in drinking water and in groundwater. And gives the DES the ability to regulate air emission devices where such emissions may lead to groundwater contamination. The amendment requires the Commissioner of DES to adopt a state surface water quality standard relative to certain PFCs. These emerging contaminants pose a potentially serious health threat to those in our state. It directs DES to develop a plan, including a schedule and cost estimates, to establish surface water quality standards for PFOS, PFOA, PFNA, and PFHxS. The State Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1101-FN. 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).

HB 1555, relative to participation by the public utilities commission in regional activities.

Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move House Bill 1555 Ought to Pass. This bill requires the Public Utilities Commission and the Office of the Consumer Advocate to advocate against regional or federal policies which are inconsistent with the policies in this state or which would have rate impacts determined to be unjust or unreasonable. Because New Hampshire is part of the ISO-NE electrical grid, our state's policy is connected to the decisions made by other states in the region. It is critical that New Hampshire's electricity customers do not bear the costs of decisions made by others. This bill gives both the PUC and the Consumer Advocate concrete direction that the interests of New Hampshire's ratepayers are vitally important in the state's participation in regional and federal energy policy deliberations. The Senate Energy and Natural Resources Committee respectfully asks for your support for the motion of Ought to Pass on House Bill 1555. Thank you, Mister President.

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to recognize that over the hill and through the woods, the wonderful kids from the Dublin Christian Academy are here checking out the Statehouse today. If you'd welcome them with me, please.

Recess. Out of recess.

HB 1766-FN, relative to remediating the Coakley Landfill in Greenland. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources

April 18, 2018

2018-1630s

08/04

Amendment to HB 1766-FN

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

AN ACT requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.

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

1 Findings. The general court acknowledges the public concern regarding the issue of water quality in the Seacoast area and at areas of environmental interest all over the state. The general court further finds that in view of bedrock testing due to begin in the Seacoast area during the summer of 2018, and in view of the impending first ever study of per and polyfluoroalkyl (PFAS) exposure, the general court shall be informed, on a regular basis, of contaminant monitoring and contaminant migration, and advised regarding new research on contaminant exposure and any developments in remediation technology.

2 Department of Environmental Services; Reports Required.

I. The department of environmental services shall submit an initial report to the general court by December 1, 2018, and shall submit interim reports every 6-months thereafter, on the results of monitoring, testing, and any other analysis or data relative to perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) levels at statewide sites that it has identified as sources of those contaminants. The reports shall include preliminary results from bedrock testing conducted at the Coakley Landfill site beginning in the summer of 2018. The department shall submit interim reports on the bedrock testing by July 1, 2019 and December 1, 2019, and a final report within 6 months of when such testing is completed. Other Seacoast area sites shall include, but not be limited to, the Pease International Trade port and its vicinity, the Hampton Landfill, the Coakley Landfill, the Rye Breakfast Hill Landfill, the Rye Grove Landfill, the Garland Well and nearby well sites, the former Cibur Airport, the Hampton Airport, and other municipal and commercial operations within the Seacoast area deemed relevant by the department. The department shall also include in such reports the PFOS and PFOA levels at any landfill, hazardous waste, and other sites statewide where it currently requires testing.

II. Copies of the reports required in paragraph I shall be submitted to:

- (a) The president of the senate.
- (b) The speaker of the house of representatives.
- (c) The chairman of the senate energy and natural resources committee, or the successor committee with jurisdiction over energy and natural resource issues.
- (d) The chairman of the house resources, recreation, and development committee, or the successor committee with jurisdiction over energy and natural resource issues.
- (e) The joint legislative fiscal committee of the general court.

3 Senate and House of Representatives Committees; Duties. The senate energy and natural resources committee and the house resources, recreation and development committee, or their successor committees as specified in section 2, paragraph II of this act, shall collect and evaluate the reports required in section 2 of this act along with any other reports, data, and information the committees deem relevant. The committees shall solicit information from commissions and informed citizens in southeastern New Hampshire and shall solicit information from the United States Environmental Protection Agency regarding the reports required in section 2.

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

2018-1630s

AMENDED ANALYSIS

This bill requires the department of environmental services to report to the general court regarding perfluorinated chemical contamination at the Seacoast and at landfills and other hazardous waste sites.

SENATOR INNIS: Thank you, Mister President. I move House Bill 1766-FN Ought to Pass with Amendment. This bill requires the Department of Environmental Services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions. The Coakley Landfill, a former landfill for both municipal and hazardous waste, is one of twenty-one Superfund sites in the state managed by the EPA. Specific remedies to the site were embodied in court-ordered consent decrees, which govern the work at this site. These consent decrees were signed by the EPA, DES, and the Coakley Landfill Group, which is made up of responsible parties who dumped waste into the landfill. As of 2016, the presence of perfluorinated chemicals was found in surface waters like Berry's Brook near the site. The bill, as introduced, would have required DES to install a pump and treat system, a remedy that was not implemented during the 1990s, to prevent the flow of contaminants into Berry's Brook. Testimony revealed that having a state agency compel responsible parties to implement a specific remedy on a federal site would raise significant legal consequences that could slow down any remedial efforts at the Coakley Landfill. The bill, as amended, requires the DES to report to the General Court regarding perfluorinated chemical contamination at the Seacoast and at landfills and other hazardous waste sites. The amendment will place pressure on the DES and the EPA to demonstrate to the General Court that appropriate steps are being taken to address the Coakley Landfill site and that surrounding communities and their water sources are not impacted by contaminant flow. DES will be doing bedrock testing at the site over the next two years, providing the General Court with a full illustration of the flow of contaminants from the site. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1766-FN. Thank you, Mister President.

The question is on the adoption of the Committee 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, 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.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24

April 25, 2018

2018-1792s

08/04

Floor Amendment to HB 1766-FN

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

1 Findings. The general court concurs with the department of environmental services and finds that and contaminants have migrated from site groundwater at the Coakley Landfill to Berry's Brook, and the resultant effects on Berry's Brook are unacceptable and require remedial action. The general court further concurs with the department's finding that such remedial action is the most reliable way to limit exposure to Coakley Landfill site contaminants via the surface water pathway. Therefore, the general court declares that it is in the public interest to limit exposure to Coakley Landfill site contaminants through actions that prevent their migration into Berry's Brook.

2 Coakley Landfill; Remediation Required.

I. The department of environmental services shall:

(a) Pursue administrative or legal action requiring the Coakley Landfill group's installation and operation of technology to remove or contain pollutants to cease their migration into Berry's Brook; and

(b) Continue monitoring the migration of Coakley Landfill site contaminants into Berry's Brook.

II. If the department of environmental services determines that it can implement the above actions only through the applicable consent decree regarding Coakley Landfill, then the department of the environmental services shall, within 60 days of the effective date of this section, formally pursue such relief through the processes available to it, including but not limited to the filing of a new action in a court of competent jurisdiction.

III. On or before December 1, 2018, the department of environmental services shall submit a report with the governor, the senate energy and natural resources committee, and the house health and human services committee, detailing steps taken and progress made in implementing actions pursuant to paragraph I, all testing results concerning the migration of Coakley Landfill site contaminants into Berry's Brook, what remediation plans have been developed and the status of such plans, and all requests made of the Coakley Landfill group by either the department of environmental services or the United States Environmental Protection Agency, and responses to those requests by the Coakley Landfill group.

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

2018-1792s

AMENDED ANALYSIS

This bill requires the department of environmental services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions. This bill also requires the department of environmental services to submit a report to the senate energy and natural resources committee and the house of representatives health and human services committee.

SENATOR INNIS: Thank you, Mister President. This amendment is designed to encourage, actually require the Department of Environmental Services to work with the Coakley Landfill Group to take remedial action to limit exposure to surface water from the Coakley Landfill, specifically we're targeting Berry's Brook with this remedial action. And the DES sent a letter to the committee, I don't know, several months ago detailing the extreme contamination levels of Berry's Brook. It's above 700 parts per trillion. The EPA standard for drinking water is 70 parts per trillion. And walking in today, some of us were offered these sanitizers. I think it's somewhat symbolic in that the water in Berry's Brook just isn't clean and you can't clean it simply. It takes a significant effort to get it to be clean. And I don't know about you, but back in the day, we played outside. And in Columbus, Ohio we'd go down to the ravine into this little creek and I'd come home with caked mud and dirt all over myself. And water, but it probably soaked into my skin, it'd gotten into my mouth and in my eyes, God knows where else. We had a good time. If you go to Berry's Brook today in pristine New Hampshire, not the city of Columbus, but in pristine New Hampshire, it's more polluted than that creek I played in as a kid, with something that may cause cancer. That shouldn't stand. Not in our state. And it's not something that we should tolerate. So this amendment asks the DES to take administrative or legal action requiring the Coakley Landfill Group to install and operate technology that will remove certain pollutants and stop their migration into Berry's Brook and give the children a clean place to play.

In section 2, the consent decree is specifically mentioned, and I encourage you to take a quick look at that section. But we understand there's an intent to create and we want the DES to work within that decree to find a way to do this in a way that is legal and appropriate. Reporting is covered in lines 23-30, and there will be reports made on the progress with respect to remediation as we move forward. Effective immediately upon passage. I strongly encourage you to support this. Clean water both above ground and below ground is critical for our health, for our children's health, for the health of the extremely young, particularly fetuses and those that are just developing. These are noxious chemicals and while we might be uncertain as to the degree of the causal link between PFCs and cancer, there has been some establishment that that causal link does exist. So I strongly encourage you to support amendment 1792. Thank you, Mister President.

Recess, Out of recess.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, I'd just like to announce to you that I am reading this from my cell phone because I was unable to get my remarks printed out. You know sometimes you have a technology glitch, I don't know why. So, thank you, Mister President for allowing me to do this. I rise in opposition to the Floor Amendment and in support of the committee amendment addressing the potential risk of contamination to drinking water on the seacoast is a very serious and challenging situation. Opposing seeking an immediate remedy doesn't mean that the concerns of people, oh my goodness it just disappeared. I will speak from the heart but this is complicated, okay? So, I'll do my very best, alright but it doesn't mean by opposing this amendment that all of us don't believe that there's a very serious and challenging situation on the seacoast.

The difficulty with the amendment is that it is premature. And even though DES said in July of 2016 that there was a concern with Berry Brook, there has not been a direct link between Berry Brook and the surrounding drinking water wells to prove that it is the source of contamination, or even if those wells are contaminated, or even if the contamination comes from the Coakley Landfill, because there are a number of adjacent superfund sites as well. So this is a challenge that deserves expanded research and investigation before we come up with determining where actually if contamination is taking place, where it is coming from and how it should be treated. And what I wanted to go over with you and I'll look at it from here is to let you know that right now, under the aegis of the DES, in conjunction with the Coakley Landfill Group and the EPA, the following work is being undertaken at the Coakley Landfill. They began this week to sample wells in the surrounding areas. When they have taken those samples, they will analyze them to determine to what degree in those ground water samples there is or is not contamination from emerging contaminants such as PFASs.

Secondly, they are looking at investigating the boundaries if you wish to the groundwater zone, it's called the LiNimance of the landfill site to look for such things as fractures and reducing this, it's rather complicated, and to establish additional locations and how they should be accessed. They are beginning to do the deep bedrock work which in one of the purposes as I understand it from the testimony we heard in committee, was to determine if there was a direct link between the bedrock wells and Berry's Brook. So that's continuing, unfortunately it's time consuming and I'm sure a source of frustration to people who are rightly concerned about the serious situation.

Finally, they are starting to do the fish tissue sampling in Berry's Brook to determine to what degree the fish in that brook may or may not be contaminated as another level of determining the immediate risk. At this time we heard from DES that while they are concerned about the need to clean up Berry's Brook, there is no immediate threat to the people on the seacoast. If it's determined, all the way along as this continuing investigation and research is going on, that suddenly you know a threat is found, the Coakley Landfill Group is committed to providing people with immediate bottled water and then helping them install appropriate ongoing filters, carbon filters that would ensure that they were no longer exposed. Now what we don't know is that if there is exposure in the existing wells, how long that exposure has been going on and what is the impact of that exposure.

PFASs, these emerging contaminants, are only something that was identified around 2016 as something that we need to be paying attention to. There has been a lot of criticism of the city of Portsmouth and the Coakley Landfill Group because they did not implement a pump and treat system in the 90s. The whole purpose of that original pump and treat system was to treat contaminating metals that were found at the site, okay? What they determined over a period of time from 1990 to 1999 was that those metals were degrading themselves and then they didn't need to put in the pump and treat system and the pump and treat system that would be put in today is an entirely different system and would require a different design component and the concern is that you put a pump and treat system in around the area of Berry Brook when maybe what you need to do is put a pump and treat system that would deal with the whole site, if this further investigation determines that that is necessary.

The Coakley Landfill Group, the city of Portsmouth have all committed to saying they will do what the EPA tells them to do. Ultimately it is the EPA that is making decisions around these superfund sites. So will you join with me in recognizing while this amendment was well intentioned, it is premature and it runs the risk of interfering with all of the various investigations that are going on at the current time? So, thank you very much, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise and in the past few weeks I've really kind of thought about, why are we here, what are we trying to do? It comes to me over and over again that the number one obligation we have is to keep our people safe. Now we used to think all the time, decades ago, that we thought people might be invading America, we might go to war and how do we keep our people and our value set safe? But as we've seen recently, it's not just that. It's the fact that keeping our people safe and healthy, keeping our people in a place where they know every day, and this example, that the people of the state deserve to know when they turn on the faucet, that they can drink the water. You know where I live over in Bedford, Mister President, down in Senator Daniels' district across this state right now, we're having some real problems. Not here to fault anyone, so much of what we know today we didn't know decades ago. But what we do know today is there is this potential that people can't turn on their faucet and feel safe that they can drink the water. What we do know today, is events that happened some time ago have a true potential for adverse effects today. So I applaud what Senator Innis is doing and what he's trying to do, for standing up to tell the people of his part of the state, my part of the state, all of our parts of the state, that we're trying to do what is right to keep you safe. To let you know that when you're drinking out of your faucet when you're taking a shower, when you're hanging out in the brook, when you're going fishing, when you're doing whatever it is, that you're doing it and you know you'll be okay. For that reason Mister President, I will support the amendment and the efforts of Senator Innis and the Governor and those who are moving this forward. Thank you very much.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. One striper, one striper per year is all you can eat because of mercury contamination. And just around the corner from where Berry's Brook enters the ocean, you can catch striper quite easily. I want to eat them, but I don't. Berry's Brook has brown trout in it. It's been stocked historically by the state. Are they safe to eat? I don't know. Can I eat one per year? I don't know. Two? Five? At what point will the PFC levels and the contamination in our fish reach the point where we can't eat them anymore? When will children be gently poisoned daily by PFCs in surface water where they're playing? We don't know the answers to all of these questions yet, but what we do know is that we are contaminating Berry's Brook and the DES has said the cause of that contamination, Berry's Brook, is the Coakley Landfill. Period. There's no question in the mind of the DES officials about where this contamination is originating. So again I encourage you please support the amendment 1792. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, just briefly in support of the amendment. I respect and appreciate all the

comments that were made about this particular amendment and this particular issue. Serving on the committee and taking a look at the testimony and the evidence presented, coming to the conclusion that the specific concerns at Berry's Brook, in the letter from DES on July 7, 2017 that said that the PFCs in Berry's Brook are coming from Coakley Landfill Group, that they're unacceptable and require remedial action, that was July 7, 2017. There hasn't been any remedial action, there just hasn't been. And so I think this amendment, what it does, it doesn't upset the consent decree because it says operate within the consent decree. It doesn't require pump and treat system, it requires a remedy and there are those who argue that this may just lead to litigation, there have been roughly four decades of litigation on this already. There's not, there'll probably continue to be litigation but the question is when our state agency issues a letter saying do something, in my view with respect to public health and the public interest we should back them up. So, that's why I support this amendment. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. For the proponents of the amendment, I would offer this. I wish it were so. Let no one question the resolve of our friends in the House and ours to deal with these emerging contaminants. We just passed House Bill 1101, sponsored by my colleague, Representative Hinch in the House. The House is about to pass Senator Innis' bill, Senate Bill 309 which are identical and deal with these emerging contaminant issues. But unfortunately we have a federal law, the Federal Superfund Law. It gives the ultimate authority in a superfund site, which Coakley is, to the Environmental Protection Agency, with DES' participation. And once you have under the circle of law, the Federal Superfund Law, a consent decree, you're bound by the terms of the consent decree and EPA, the Environmental Protection Agency, has to administer it.

I asked the DES representative, Mike Wimsatt, a series of questions as did our friend from Concord, our friend from Portsmouth and our friend from Newcastle. Let me just talk to you about what some of those questions and some of the answers were. I asked Mister Wimsatt if any of the wells tested in the proximity of Coakley had tested more than twenty parts per trillion, for these emergent contaminants. The answer was no. Twenty parts per trillion is what the advocates are hoping the department will adopt as a new state standard for PFOAs. The current national standard which is the standard in New Hampshire, is seventy parts per trillion. So, none of the wells were testing in the proximity at twenty.

I further asked if there were any wells that tested at seventy, the national standard, what would happen. DES would look for an immediate remedy, bottled water, some sort of filtration system, possibly even public water piping to those homes. They were prepared to take that kind of action. The same thing I think we saw in our friend's district, I believe it was in Amherst, a year ago, when a similar situation occurred.

I asked if there was any precedent in any other states for legislature inserting itself into a consent decree in the way that either the sponsor's bill was written, or this amendment which has tried to stay within the consent decree, but really doesn't. The answer was, no other states have done that.

I asked if there was litigation because the Coakley Landfill Group has indicated that if the legislature steps in in the way that is being proposed

now, there'll be certain litigation, so my question was, what happens if that happens? Will it help resolve the problem, or will it slow down remediation? And the answer is it would slow down remediation.

Now I'm not saying any of this is right. I'm not saying that it's not unfortunate that the legislature can't just step in and take action. But sometimes there's a reality factor that has to be taken into account. That's what the circle of law says, and that's the problem.

Senator Feltes asked if DES had considered intervening within the administrative process to compel the EPA to take action. Mister Wimsatt said if DES believed they had the authority, they would act. And lastly, Senator Fuller Clark asked what's preventing the Department of Environmental Services from implementing a groundwater capture system right now. Same answer, Mister Wimsatt said they do not have the legal authority to do so.

So, when I said I wish it weren't so, I wish it weren't so. But it is so, so the best thing that we can do is to go with the committee amendment that requires reporting when the reporting shows the problems in the immediate proximity, in people's wells, they have the authority to do what is necessary to remediate and as that bedrock testing as our friend from Portsmouth has long advocated for, fought for and is continuing to fight for, along with our friend from Concord and our friend from Newcastle within the administrative construct of a consent decree, a legally binding fact of law, that's when DES can push the EPA into the kind of capture system that this amendment contemplates. To do so today leads to litigation and slows down the remediation I think all twenty-four of us want. That's why unfortunately I'm standing here and asking you to vote against our friend from Newcastle's amendment. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Hennessey, Sanborn, Feltes, Gannon, Innis.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Gray, French, Ward, Kahn, Daniels, Avar, Lasky, Carson, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse.

Roll Call, Yeas: 5 - Nays: 19. Failed.

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 Birdsell.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avar, 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.

FINANCE

HB 559-FN, relative to expenditures from the energy efficiency fund. Inexpedient to Legislate, Vote 3-3. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 559 Inexpedient to Legislate. This bill repeals the dollar per allowance rebate threshold for auction proceeds deposited into the Energy Efficiency Fund, eliminates all customer rebates and provides that at least 35 percent of the proceeds received from the sale of allowances after administrative cost, would be allocated to be low income core energy efficiency programs. In addition up to \$5 million annually would be allocated to municipal school district and local government energy efficiency projects and to the core programs. Testimony at the public hearing indicated the passage of House Bill 559 would result in rate impacts across all customers. Committee members learned some businesses are experiencing high electricity costs, but those businesses who are large energy users are already employing efficiency techniques. Having been unable to reach a consensus, the Senate Finance Committee recommends House Bill 559 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I encourage us to respectfully vote no on ITL, then vote yes on Ought to Pass. Three reasons: Number 1, this is going to significantly help our schools, our municipal buildings reduce their energy consumption and therefore put downward pressure on property taxes. It's going to significantly help with the backlog of low income residential households who are struggling to afford to heat their homes in the winter. Number 2, in the medium to long term it's going to reduce rates in the state of New Hampshire, and the reason why is because of the regional allocation of transmission costs, regional transmission costs in New Hampshire, we get hit with 10 percent and that amount's going up because our demand proportional to other states is going up, and it's going to go up, projected to go up about .5 percent over the next three years. Each tenth of a percent is \$4 million in additional transmission costs being saddled to New Hampshire customers. And the Chair of Senate Energy and others, we worked to provide more resources in the budget so that we can fight this out on behalf of New Hampshire at a regional level. The other way that we can fight it out is by reducing our demand for energy through energy efficiency. And so in the medium to long term it reduces rates. Third, this was voted 24-0 by House Finance in part because it restores it to a dedicated fund. It's the Energy Efficiency Fund, it restores it to the initial intent of a dedicated fund as in energy efficiency funds. So, for those reasons I encourage us to vote no on ITL and then move Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I too urge my colleagues to vote no on Inexpedient to Legislate. All of us know that the most inefficiently operated buildings in the country are municipal buildings and schools. Having been a teacher for a number of years, what's the first thing you see, when you go by a school? The windows are open. They're open all the time. Guess what goes out those windows? Energy. If they were fundamentally weatherized and weatherized properly, and as I said in my testimony before the committee, we've got a building that's 160 years old in Manchester. Manchester Central High School, oldest public high school in the United States. What do you think pours out of those windows? And we've tried and tried. Five million dollars goes to schools and municipalities. Municipal buildings, who sees a municipal building that's efficient? Some of them are grandiose, but

what about efficient? Just walk through the halls in Washington and you'll see inefficiency personified. But we have an opportunity to do the right thing, and we have a mechanism to do it. Why not do it? You know we're not building a lot of new school buildings, so we've got to renovate those that we have. We've got to winterize those that we have. And talk about energy saving, if you properly weatherize a home, you can save dramatically on your heating and electricity bills. You know we've got to learn to do that, and again that's a situation of just public knowledge and we've got to talk to the public, and get them going but indeed, the incentive in this piece of legislation, if we pass it, is we're going to do it. And we all have schools in our districts, I don't think there's anybody sitting here that doesn't have a school in their district, or a municipal building. So, let's think long and hard about overturning the Inexpedient so that we can offer the motion of Ought to Pass, and move forward. Thank you, Mister President.

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

SENATOR KAHN: Would you believe, that the study committee that I sat on with the, chaired by the Senator from District 12, demonstrated that the reason our transmission rates were going up is not because our energy usage was going up but because every other New England state's energy usage was going down and rather dramatically, at a much more rapid rate than New Hampshire, and that that was what was driving the increase transmission costs because the overall system needs to be prorated across usage and New Hampshire is a rising share of that overall use?

SENATOR FELTES: Thank you very much, Senator Kahn for the question. I do believe that and that is the biggest driver on our electric bills is the increase in regional transmission costs that are being saddled on New Hampshire ratepayers, on the regional level. Many projects, not even in New Hampshire, southwest Connecticut reliability projects and other projects being saddled in New Hampshire and the major part of the equation, about how they calculate were those regional transmission costs go to, is each state's demand for energy in comparison to each other state. And since our demand is increasing comparatively to other states, we are getting hit disproportionately with regional transmission costs. This bill will reduce our demand and cut costs and need in the long term.

SENATOR KAHN: Thank you.

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

SENATOR AVARD: Senator Kahn, thank you for taking my question. I just want to refresh my memory, because you served on that committee. We did learn that transmission costs went up either 4 or 500 percent? Do you recall the amount? Was it 555 percent?

SENATOR KAHN: For New Hampshire?

SENATOR AVARD: Yes.

SENATOR KAHN: Oh that sounds high. I'm going to rely on you on that number.

SENATOR AVARD: I'm going to say yes to that.

SENATOR KAHN: Thank you for answering the question.

SENATOR AVARD: I'm glad we had this talk. New Hampshire's commitment, do you recall the commitment that we had to the transmission costs, was it about 9 or a little bit more than 9 percent?

SENATOR KAHN: Yes, and I think it was ten and a half.

SENATOR AVARD: Okay, my understanding was it was 9.6, but it was up there. And final question, Mister President, if I may. I believe the consumer advocate came in at one point and testified that for every dollar that we spend on energy efficiency, we gain four dollars in savings. Do you recall that?

SENATOR KAHN: I do.

SENATOR AVARD: Would you believe?

SENATOR KAHN: And I did believe. I think your questions are reinforcing when I think everybody who served on that committee had to walk away with the impression. Had we been investing these dollars in the same way that other states were, our overall transmission costs would have been the same proportion as they had been on our energy bill. But as a result of not having made those investments, and the increased share of the overall grid's distribution costs for New England, it was, it's costing our ratepayers, and this does seem like an action that will make us more competitive on energy efficiency, provide more incentives for energy efficiency and temper our overall share of the grid's costs.

SENATOR AVARD: And Senator, thank you for putting up with me here. It is my understanding through testimony that there was the potential of \$4.6 billion of new transmission costs coming our way. Is that correct?

SENATOR KAHN: Yes, my recall as well.

SENATOR AVARD: So to mitigate that would be the thing to do to lower energy costs?

SENATOR KAHN: To be more efficient, yes.

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

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in support of the motion of Inexpedient to Legislate. I heard from my friend from District 20 about a school that's 160 years old. Well, Mister President, I just did the math and I own a building that's 203 years old, because I love old buildings, Senator. You know I love old things. I don't like all this new interweb stuff and technology. But the problem I have is as we continue to see, another hidden tax, hidden behind the curtain, provided to the politically connected or taking taxes and spending them on more government projects or taking taxes, spending on more government buildings. We hear every single day, in fact the Governor's ten year plan came out a couple of weeks ago. Our energy costs are some of the highest in the country. We're hearing from business owner after business owner after business owner, manufacturers, distributors, all walks, the economic engine of our state, they can't afford it anymore. It's too high. And we're here to tell you, we all know everyone in this room knows, we have some of the highest electric rates in America. So why is this body always trying to put more taxes on it? Why is this body always trying to take the money and redistribute it to one group or another group? Why don't we just try and cut the cost? You know it's funny because I hear all this stuff about energy efficiency and I, Mister President, I try to do the best I can. I truly do. I've taken properties that I own and gone out and spent \$1,000 on energy lightbulbs, and saved 50 bucks. When I start doing the math about energy efficiency, we need to be spending more time making sure that as I say from time to time, Senator French, that

the juice is worth the squeeze. That the money we are investing, we're actually getting something back for that's more than just feeling good. Because at the end of the day, passing good policy might make us feel good, but if it's not solving the problem we fail the people of this state. So Mister President, because of that I like everyone else wants to see lower energy costs. I want to see us have a smaller impact. But I don't want to pass legislation that makes it look like frosting on the cake, and for that I will continue to support the ITL.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Unfortunately this bill didn't have an opportunity to come to the Energy and Natural Resources Committee, so I'm getting to this a little bit late. But I was the architect several years ago of the compromise that kept us in REGI, because we're going to pay for it anyway in rates because it's tied into the generation costs and if a state opts out of REGI, our money from New Hampshire would go to other states, so we stayed in. Makes sense. But we rebated anything over a dollar for the allowances back to customers. And so the pool is not as big as some people would have wanted for energy efficiency. That's what the problem is, and so now that compromise which I think has stood the test of time because I think it was done in 2012, is proposed to be taken away. And so all of the REGI auction proceeds would go to energy and efficiency. Now I'm not going to stand here and tell you that energy efficiency's not a very laudable goal. But to think that passage of this bill is going to definitely lead to a decrease in transmission costs, may help, possibly but that's kind of a leap too far for me. So thinking that this is cost neutral, seeing is believing, and I'm not sure I'm believing. But I do know one thing, it'll lead to higher electric costs. It will lead to higher electric costs for everybody.

There have been past versions of this bill that re-allocated the money to large users. But retail customers, we're going pick up more of the cost. We defeated that in the past. This one would raise the cost for all customers, retail, small customers, residential, medium sized businesses and large businesses. Now if I've listened to the debate, you'd think we're not doing anything for energy efficiency. That could not be further from the truth. The Public Utilities Commission just adopted I think it was maybe a year ago, the Energy Efficiency Resource Standard which is in the process of being implemented. I would much rather see a program that is fully vetted and fully accountable through the PUC process where utilities have to answer for every penny of expenditures as opposed to as our friend from Bedford said, a program that has far less oversight in the distribution of the dollars. So if you want an increase in electricity costs, then vote against Inexpedient to Legislate. If you want less oversight at the PUC, vote against Inexpedient. But if you agree with me that high energy costs are a problem, this is one area where we don't need to go and if you agree with me that we're already doing a lot for energy efficiency I hope you will support the 3-3 motion of Inexpedient. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, this money goes through the PUC's core docket, with oversight of the PUC. These are cost effective programs that are award winning at the Public Utilities Commission. Cost effective investments with oversight by the Public Utilities Commission. And it will cut costs in the mid to long term.

It will. And it's unfortunate it didn't go to Energy because that was the balance of the testimony, including from Dick Henry and others talking about the medium to long term. And we are last in New England on energy efficiency, which is part of the reason why our regional demand, and our regional transmission costs are skyrocketing. The highest driver in our electric bills. You want to cut costs? Sure, you're not going to cut costs in the short term but in the medium to long term you will cut costs. Thank you, Mister President.

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

SENATOR DANIELS: Do you recall me asking a question of the sponsor as to how much the \$8,000, or how long, this would back up? The sponsor indicated that an average household would take \$8,000 to make it energy efficient. Do you remember his answer when I asked him how long it would take to reach a crossover point where you got that \$8,000 back?

SENATOR FELTES: Thank you for the question. I actually, Iris was sick and I had her and she, I was not in the room at that time, she was, so I don't recall that question or that answer. I missed part of that exchange. I can answer having worked in the low income energy efficiency programs that in fact, the cost benefit ratio is well above the investment that you put in and that low income folks don't have the money up front to invest, to do the energy efficiency measures that result in 30 percent, sometimes up to 40 percent energy reduction. Which by the way, there's a reason why foreclosures for non-payment of mortgages and evictions for non-payment of rents spike in the spring time in New Hampshire because people are struggling to afford to heat their homes in the wintertime. There's an over 10,000 person waiting list for low income weatherization and energy efficiency services. And so this would go to good use, it would go to help reduce burden on property tax payers and so I think, on balance and mid to long term, it will cut rates.

SENATOR DANIELS: Would you believe that the sponsor had no answer to that, and that the payback period could be twenty years or more to reach that crossover, break point?

SENATOR FELTES: Thank you very much, Mister President. Thank you, Senator Daniels. Again the reduction in energy bills for low income residential households is about 30 to 40 percent depending on the household. And, so you have to look at their energy bills, over the course of time in comparison to the investment. But life for the measures is twenty-five to thirty years. There is a payback, it's been evaluated, it is cost beneficial, net cost beneficial, even for low income households and again, it all flows through the PUC oversights core docket, oversight by the PUC, award winning programs.

SENATOR DANIELS: Thank you, Mister President.

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

SENATOR GANNON: Thank you for taking my question, Senator. You know I look to you, energy isn't in my wheelhouse and I look to you a lot for, we don't always agree, as we haven't over the last few weeks, but I do look to you. You're going to be a newlywed soon you have tons of energy. I've been listening to Senator Feltes and he has a compelling argument. On the long term and midterm transmission reduction costs. And so I'm thinking I'm pennywise and pound foolish if I don't listen to him. Where am I off on that?

SENATOR BRADLEY: You know I think that the energy efficiency resource standard that the Public Utilities Commission did a really good

job of bringing all the parties together in a docket. We're going to be seeing you know, price increases in our bills as a result of this through the system's benefits charge. So, I think that we don't need to re-allocate these dollars, we should keep the ratepayer, customer, taxpayer protection that was in the original version of this bill several years ago that has the one dollar threshold and I believe that energy efficiency is doing just fine in New Hampshire, we are growing pretty quickly with this new EERS standard adopted by the PUC.

SENATOR GANNON: How much will, if we don't do this, how much is it going to save the taxpayer? Do you have a rough idea, individual household?

SENATOR BRADLEY: I'd have to look through the testimony. I think it was in the range of 8 to \$10 million.

SENATOR GANNON: Thank you.

Recess. Out of recess.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to the current motion. Hope we can pass this. I just wanted to reference quickly some things in my district. I have Community Action Partners in Strafford County which helps people of low income get their houses weatherized and I just had a meeting with Community Action Partners a couple weeks ago and we heard that indeed because of what they've done on energy efficient people are staying in their homes. They're not losing their homes. Secondly, Seacoast New Hampshire some of you may know because of its economic growth in advanced manufacturing and a lot of other things going on over there, is anticipated by Eversource to see its energy use grow by 25 percent over the next couple of decades, 25 percent. Now my colleague from District 3 references the potential slight increase here to ratepayers, but you know, I don't think we need any reminder that yeah okay, how much you pay for energy does have to do with transmission costs and it does have to do with the cost of electricity itself. But your overall usage of electricity has a heck of a lot more to do with how much you pay in a given year. So if we're looking at 25 percent increase potential of energy use and we're already struggling with high rates, we certainly had better do everything that we can on efficiency. It is hard for me to understand how Dover or Somersworth or Barrington or Rollinsford could be able to continue to heat the buildings they have, some which are pretty old, some which are newer, but nonetheless, 25 percent increase in energy use, the taxpayers in my tax cap communities won't be able to deal with that, it's got to come through efficiency. This is a good investment, we know it works, we know it works. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Just briefly, Mister President. Yes, the Senator from District 3 is correct that in the short term there is on the average kwh residential bill, about a 70-cent potential loss of rebates, however, in the medium to long term this cuts rates. So you can choose, keep the miniscule rebates or cut rates overall in the mid to long term. That's the choice. That's the choice that we have today. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Very briefly, while we just had the previous speaker talk about cutting the rates, I draw

your attention to the fiscal note which indicates that there will be a 747 per month on average increase for the largest commercial and industrial class. I don't think that's the direction we want to go as we're trying to keep businesses in state. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I think this is more a parliamentary inquiry. If I support protecting all classes of customers from this rate increase, if I know that we're investing heavily through the energy efficiency resource standard in energy efficiency, would I now support the Inexpedient motion, by voting yes on the pending question?

PRESIDENT MORSE: If you're in favor of House Bill 559, you're going to say aye. If you're opposed you're going to say nay. If you're in favor of Inexpedient.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. If I believe that turning down my thermostat and weatherizing my home will save me money over the long run, by producing energy efficiency, would I vote against this Inexpedient to Legislate and request another movement? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of Inexpedient to Legislate on House Bill 559 you're going to say aye. If you're opposed you're going to say nay.

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, Innis, Morse.

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

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

HB 628-FN, relative to a family and medical leave insurance program. Interim Study, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 628 be re-referred to Interim Study. The bill sought to establish a system of paid family and medical leave insurance. In deliberating the bill, committee members first reviewed an amendment which addressed particular concerns brought up during the public hearing. These concerns include giving additional flexibility to the Department of Employment Security to adjust the percentage of wages for a participating employee per week, adding an additional opt out window every three years and eliminating the need for a notary for the opt out form, allowing DES to contract with a third party for the administration of the fund and the formation of a working group to advise the advisory council. Committee members expressed apprehension with the cost of the program, a possible lack of participation by high wage earners, unknown future risk and the solvency of the proposal. Private businesses can already provide such a benefit to help them remain competitive during the current workforce shortage. Keeping in mind that these unanswered questions

and to avoid placing additional burdensome regulation and mandates on New Hampshire's small businesses a majority of the Senate Finance Committee recommends House Bill 628 be re-referred to Interim Study and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister Chair. I stand in opposition to the Interim Study motion for House Bill 628. You know in 1982, I was graduating from a Master's Degree program in which I actually wrote a thesis on the difficulties between home and work balance. At the time I had a newborn, and by the time I finished all of my graduate work I had a two-year-old and a five-year-old. We were living at the time and for some time after that, on a day to day basis, wondering whether a crisis might occur in which we would lose our home because we had no back up in terms of what might happen if we had another child and one of us had to stay home, or if we couldn't afford the child care that we had to hire. Women who take paid family leave are 39 percent less likely to report public assistance receipt and 40 percent less likely to receive food stamps in the year that they give birth.

I would like to read from a doctor, a pediatrician who is also the President of the New Hampshire Pediatric Society about this issue. His name is Doctor Steven Chapman and I know him personally, he's quite a remarkable physician. He has served his families in New Hampshire as a pediatrician for over twenty years, and sees firsthand the challenges families face while balancing work and welcoming a new baby. Doctor Chapman's clinical experience reinforces scientific findings that children need their parents at critical times in their lives, whether in the important weeks following birth or when recovering from serious illness. According to the Federal Reserve 47 percent of people cannot afford an unexpected \$400 expense, and we certainly could not have in those early days. Too many parents simply can't afford to lose wages while facing a crisis with their children's health. Doctor Steven Chapman said when children are seriously ill or suffer from chronic illness, having a parent by their side makes a significant difference in their recovery. And that's what I've seen as well, working with families of this sort. At the same time paid leave reduces parents' stress levels in these difficult circumstances. Yet lacking paid leave, I have seen many parents make the heart wrenching decision to leave their sick children alone in the hospital in order to preserve their family's economic security. I would hope for this body that none of us ever has to make that choice between what is right for our family, our children, especially our sick children and keeping our jobs and being able to support our family financially. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I ask my colleagues to vote no on the Interim Study and support the paid family medical leave. I have two quick stories Mister President, this first one about a family in your hometown of Salem. Stacey Credit Neville, she was pregnant with their second child, she was preparing for her second child. She had everything planned she saved her vacation time, but she ran into complications after a C-section which extended her recovery time. Her husband did the same thing, he saved his vacation time, he had everything planned so he could take some time with his newborn and second child. Because of this extended recovery time he had to use all his vacation time, his wife had to use all her vacation

time extended into unpaid time. So you have two people working, caring for their kids and recovering, staying home now with no pay. It's just devastating for this family.

And now personally for me, three years ago my wife was diagnosed with cancer. In 2015 our kids were seventeen, thirteen and twelve. Ten days after she was diagnosed, she was in Boston having surgery. This gave us little time to plan, and we had to scrape together all the help we could from friends and family. I'm sorry, I'm trying to keep it together, it's tough every time. This created turmoil and uncertainty for our kids. It was very difficult. If we could have had four weeks of paid time, have this time to heal physically and emotionally as a family, it would have helped incredibly. It's not unique to me, it's not unique to my family, it's not unique to residents of Salem. This would help every family in the state and I ask my colleagues to please, we need this, please support paid family medical leave. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I'll also rise in opposition to the motion of Interim Study. I'm sure that many of you know, have met Kerry Norton, who's the program director and founder of Hope on Haven Hill, I'm sure she's especially well known to the Senator from District 6, but you may not know part of her life story. Her son suffered an overdose from heroin, they knew he needed to get out of patient treatment and start his recovery. Now fortunately the son did have an employer who offered him paid leave, he was able to take the time off he needed for his recovery and after finishing treatment he returned to work in two months offered a raise and promotion. However, his mother, Kerry did not have such an opportunity, she exhausted all of her own paid vacation days, took unpaid time off in order to care for her grandson. She says, my family was nearly destroyed by substance use disorder, both personally and professionally I have seen the effects of having or not having paid family leave and medical leave and influence this one policy has on treatment success. And we see what she has done there. This facility now for residential treatment facility for pregnant women with substance abuse disorder, children under five in there and newborn. She's certainly a saint among us and should anyone go through what she had to go through without paid family leave. And I would also say, my own family, my wife, her stepmother, long slow death from cancer and she did not get leave. So every moment she had she could get there, it wasn't really what Peg needed at that time it was just by God's providence that she happened to be there the afternoon that Peg passed. And then another family member who was having serious medical problems, employer did not offer paid medical and family leave and I can tell you that nearly tore apart my family. This is a good program, it will fund itself, people need it, it's not just the individuals who hear the stories of their suffering and consequences of not having it, but it is what we can do for some security for so many families in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the motion of Interim Study. I want to begin with a story of Kurt Sundstrom. Kurt, you may recall if you were at the public hearing waited the entire four hours to testify at the end and provide his story. Kurt, three and a half years ago, his wife Jody, took his wife Jody to see a doctor as she was complaining of dizziness. Test

revealed that she had glioblastoma, multi form 4, an aggressive cancer and learned she might expect to live only twelve or eighteen months. At the time they were raising an eleven year old son and their extended family all lived out of state. Kurt's employer did not offer paid family and medical leave and the family having once relied on two incomes could not afford to have Kurt take any unpaid leave. Kurt had to fly in family members to help with child care and end of life care for Jody, so that Kurt could work and continue to pay their bills. This kept him from spending time together with his son and wife in her last months of life. Kurt's quote is this; "When all you can do is huddle with family and take advantage of every last minute you have left together, being compelled to work full time job in order to maintain financial solvency is the cruelest demand I could have ever imagined." Stories like Kurt's all across our state, and what we've heard in opposition to this bill is there's no certification. There's no guarantee.

Today, I was just shown a column that the Senate President did. It's called a boondoggle. I don't think paid family leave is a boondoggle. I think what we've seen throughout the process, is study after study after actuarial study. An actuarial study that looked at participation rates at 100, 70 percent and 35 percent. Mandatory and then less than mandatory, voluntary system. What we've seen is that the Department of Employment Security is taking no official position on this bill. They are "neutral," and you've seen them come in and oppose bills that are insolvent with respect to unemployment insurance, but they're neutral, here they're neutral, they just can't "certify to the exact participation rate." We know that the stress testing of the model once you shave off the top 20 percent of income earners is solvent. We know that the estimates of participation rate for employment security is 70 percent but the estimates of participation rate from insurance is 75 to 85 percent, and in all those estimated participation rates it works. There is study after study after study, and you know what? Employment Security recommended some changes in the House and those were adopted. And then we get a letter from insurance that said hey, maybe do another study, and then at a meeting with the Insurance Department, they acknowledged, we didn't read your actuarial study. We didn't read it. But yet, maybe do another study. Every time this comes up, study it more, study it more, study it more, study it more, it's time to act.

And we heard that well, maybe private insurance can do this, despite the fact for a hundred plus years they haven't, and we've heard lobbying from the insurance company lobbyist, privately. Didn't show up to testify at a public hearing. Why? Because they'd probably have to admit that their product is very narrowly tailored, it doesn't do what this bill does, there's a gap in the market to the extent that they even do it, they're cream skimming looking for businesses of a hundred plus employees. That's why small businesses support this by and large, Mister President. Hundreds of small businesses across the state who don't have access to the ability to provide family medical leave insurance support this. And we talk about let's give the private insurance industry another chance after a hundred plus years of not doing it. You know what we did? We did that in an amendment that the Senate Finance Committee voted down. It allows for third party administration, including by insurance carriers of this particular product. We did that. It was voted down in committee. Tammy has it up there right now, we can reverse Interim Study and we can vote on it. It's not my language either Mister President, it's Neal Kurk's, Representative Neal Kurk's language, Chair of House Finance,

that sentence on privatization. This concept's been around forever. Also, in the amendment, there's a ban to allow some discretion for employment security. Makes them function more like insurance with greater opportunity to opt out and there's a working group that can provide advice in council to the unemployment insurance advisory council and the Department of Employment Security.

So, do we have a certification of perfection? No. Do we let perfect be the enemy of the good? Oftentimes we don't but on family leave we're going to. We're going to say this needs to be perfect, that we need a certification of exactly what the participation rate is. The reality is, is of course all of these studies are forecasted to cover a wide range of situations and that's why the program's designed with close oversight so adjustments can be made in a timely orderly fashion over time. If perfection is what we're striving to, we'll never pass family and medical leave insurance, including our bipartisan family and medical leave insurance bill that's here right now.

And certification, where's the certification on our revenue estimates, that we do, Mister President? We needed Senator D'Allesandro and I's revenue estimates have been the most accurate the last couple of budgets. We didn't certify, we didn't guarantee them. We didn't sign something certifying they're going to exactly be that. Where's the certification on the tax cuts, the business tax cuts and the revenue loss? No certification on that, just went right ahead and did it. Well here's what I can certify to; small businesses all across New Hampshire need a level playing field to provide family and medical leave insurance. I can certify that there's people like Kurt Sundstrom, thousands of them, right now, without access to family leave in a time that they need it most. I can certify that we value work and we value family and we should also value the proposition, you shouldn't have to choose between the two if all possible. I can certify that this, it's going to happen. It may not happen today. We have an opportunity to be part of, I know Governor Sununu opposes paid family leave, I know the Senate President does, you have an opportunity to vote your conscience, and be part of this, and be on the right side of history. This is going to happen, let's make it happen today, let's not put up this boondoggle of a smokescreen with these talking points to say study it more. Working families have had it studied for twenty years. It's time to move forward. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise as I always do on behalf of the citizens of District 13 in Nashua. And I want to share the voice of one of those women in my district, her name is Nikki Casey and she lives in Nashua. And I want to quote that she said, "My recovery would have been a lot easier if I'd been able to take the time I needed to get better without the fear of losing my job and the income I rely on." As we've heard she's not alone. Nikki struggled with addiction but was too afraid to ask for help for fear of losing her job. Her alcoholism cause her to lose it anyway. She was out of the workforce for six months, in and out of recovery programs, etcetera. And with Road to Recovery she finally got on that, the Road to Recovery would have been a lot easier if she'd been able to take paid family and medical leave from work to care for her mental health and her substance abuse. We know only too well that substance use disorder is taking a toll on too many New Hampshire families. Recovery programs and services are critical, but too many work-

ers do not have the support of workplace or the ability to maintain their income while seeking treatment. A family and medical leave insurance program would be a critical tool in combatting our state's opioid and substance abuse crisis, and give New Hampshire families the security they need to overcome their illnesses. So I urge you to vote against the Interim Study. Lord knows we've been studying it since the turn of the century. Now is the time to again vote against Interim Study and we can take another motion on Ought to Pass and give New Hampshire families the security that they need. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the Interim Study recommendation, and want to tell a story about Val Zanchuk. You probably know Val, because he's the immediate past president of the Business and Industry Association in New Hampshire. And for the last fifteen years Val and I have worked on workforce development issues, not just statewide but particularly in the Monadnock Region. Val is the, he's a resident of Concord and he's the President of Graphicast. Graphicast is in Jaffrey, New Hampshire. Val employs in Graphicast, twenty-two full time employees and he is known for offering good wages, good benefits, trying to retain his workforce. Last year one of Val's employees got married to a woman who had a child with special needs. This was a stressful transition for the employee who was a dedicated employee but also a dedicated father to his new daughter. He tried to juggle all of his responsibilities but he was noticeably stressed. If Graphicast had been able to offer paid family and medical leave it might have helped him with his transition but unfortunately the employee ended up taking his own life. Val's quote is "family and medical leave insurance would give me the peace of mind knowing my employees have a safety net in the event that they face an unavoidable medical or life crisis."

Graphicast and Val as a valued employer, it's not uncommon in my region of the state. Seventy-five percent of the Greater Keene Chamber of Commerce membership, which numbers nearly 600 businesses, but 75 percent of them employ less than twenty-five people. They need a low risk affordable access to family and medical leave to enable that size a business in Cheshire County to provide an important employee retention incentive. That's what this is. It's about workforce retention. In this case this was a life or death decision. This can be a life and death decision for New Hampshire residents and employees, but it is also a vital business economic tool that we need to have for the small businesses that dominate the workforce scene in this state. I think we need to pass this family and medical leave insurance. In the name of those who I represent in my Monadnock Region, I need to try and defeat this Interim Study. I ask you to join me and I ask you then take a motion of Ought to Pass on family and medical leave. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I want to state before I begin speaking that I may have a conflict on this issue. I want to declare that, but I will speak to the issue and I will participate in the discussion. Thank you. First of all, let me say this. I respect everybody's opinion. I think everybody should have an opinion, they should express their opinion, that's what democracy's all about. So anybody and everybody should be speaking out on this particular situation. It's very important that we hear all sides of the issue.

But let me tell you about the basic sociological term that we're talking about; family. What's the basic unit of society? Isn't it family? Keeping that family together and doing everything we can to keep that family together should be the aim of every individual here. Really every individual in our state, in our country. Keep families together. What's the great problem in keeping families together? A, there's a health situation. That health situation might cause a negative economic situation. And what do you do in a negative economic situation? If you have leave, you take advantage of it and hope that it keeps the family together, but if you don't you fight, and it causes a disturbance in the family, and what happens? The family separates.

I want to talk about two situations. One of a positive nature, one of a very negative nature. The positive situation involved my family. We had a pregnancy that was very, very troubling. And in the end our grandson had to be delivered in Boston at Massachusetts Children's Hospital. A totally unintended situation, a totally unaccounted for situation. But because of the fact that we had resources, we were able to live through it. Think of your little child in the neo-intensive unit of a hospital, in that little box with all of those tubes coming out of him and saying I've got to be there, I've got to be there, I can't be at a job. I've got to be there. And I've got to be there 24/7, because if I'm not and something happens I hold myself responsible. Well my kid was able to be there, because she had a husband that had a good job. There wasn't any medical leave but she was there. Thankfully, the child survived, the family survived, the happiness generated from that survival is just something that's pervasive in our family. It's pervasive, everybody's happy.

Then we have another situation of a person in Manchester, a constituent of mine, a woman who I have met. She has difficulty with a pregnancy, a child is born with a series of very, very serious problems. They don't have any money. Family medical leave would have allowed for at least them to stay and watch over the child. The child eventually passes away, child dies. They don't have enough money for a funeral, they don't have enough money to do a lot of things. Had medical family leave been present at least they would have had something, they would have had something to latch onto.

We don't have perfection here. How many times has the Senator from District 3 said, we can't make it perfect, but we do everything we can to make it so that it works? The President does what he can to make things work. I have total confidence in him. We as a body have got to do everything we can to make this work. And it's going to happen, it's going to happen. Every civilized nation in the world has this, they have it. Some say, well we have short term disability, we've got short-term disability, but what if you can't? We need something, we need something. And as I said, you know the thing about life is this; if you don't have your family, where the Hell are you going? Where are you going? And I'm so lucky, you know I'm so lucky, and have been the beneficiary of many good things. So I want to share that. I want to share that with the people I represent, but not only with that, with everybody in the state, because that's what I'm here for. That's why the people elect me. They elect me to do what I can to make their lives better, or to make their lives tenable. And we've got to do that. Now as I said, we strive for perfection, we strive for perfection, but nobody's perfect. Nobody's perfect. But we try to get to that middle ground, that middle ground that does what we all want, makes things better for people.

Mister President, if we don't turn this over, I say to all of my colleagues, if we're going to study this, we better study it long and hard because it's going to happen, and we want to make it the best that we can do. Concessions have been made, you know I wasn't involved in these negotiations that took place, it never came to our committee until it came to Finance. But indeed, the process goes on. The process goes on just as we're all going to get gray hair, it's all a process, but it's going to happen and I think in this situation, it's going to happen. But indeed, we can't take care of those that have had losses, we can't make up for that, but what we can do is make sure that those things don't happen in the future. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the committee recommendation of Inexpedient to Legislate. Also rise in complete agreement and support of the Dean's remarks and of the remarks of every Senator who brings forward situations and cases of families that have been devastated by health or other events. But at the end of the day, we have an obligation to make sure that whatever we do implement, will work and not fail down the road. We have a stunning example of just such a situation with the Affordable Care Act, with the underlying assumptions and premises that we use to model the financial model itself, in fact turn out to be fatally flawed, producing the collapse of one exchange after another throughout the country. A wonderful idea, but the assumptions were flawed. And on Finance, okay, we have the difficult task of taking what could be a wonderful program for our families and marrying that to the reality, the hard reality, sometimes the harsh reality, of financial wherewithal. And it's to this point that I will speak primarily.

I personally, and I know others, have studied exhaustively the underlying assumptions in the mark. Doctor Hayes' assumptions. The four states that we used all have mandatory, mandatory participation 100 percent across an entirety of the workforce, no options. Doctor Hayes' reports specifically states in the numerous places, do not use this report as the basis for a voluntary system because it isn't relevant and there is no data. And so for that reason I took it upon myself to work with the Department of Employment Security and develop models of what might possibly happen. The Affordable Care Act failed because the young people didn't think it would benefit them so they chose to take the penalty instead of pay the premiums. In this model that was presented initially, we modeled 100 percent participation voluntarily on down to ten percent and in that model the reduction in participation is taken equally from the top and bottom ends of the economic spectrum. That is a flaw, a serious flaw, because the benefits are capped and those who would contribute most to the program financially are those that would most likely not participate because the benefit is capped. So we modeled it to say the top 20 percent was the first 20 percent. And what turned out of that was that at a 5.5 week, parenthetically the single most utilized period of time in the leave process okay, across the four states that were modeled. We found that it would require 80 percent voluntary participation.

Based on the Affordable Care Act experience, based upon the models that were put forth, this is not financially tenable. It's also suggested that the commissioner be made responsible for setting the rate and in no uncertain terms whatsoever, both the Commissioner of Insurance and the Assistant Commissioner of the Department of Employment Security

balked at being made the linchpin in a \$160 million experiment, with no actuarial basis whatsoever except conjecture that we could somehow translate the mandatory program with four states and decades of experience into a voluntary program. The economics of it do not work. The underlying principles as far as humanitarianism and taking care of our neighbor and our brother and our sister are compelling. I believe that and I have committed at a meeting at which Senator Feltes was in attendance in part, with the Commissioner of Insurance and two people from that agency with the Assistant Commissioner from Employment Security and with all the stakeholders, including Doctor Shapiro. Now we're going to move forward and we're going to go for a request for information from the insurance companies in the private sector, okay, to determine what is feasible. Because they're balking has been primarily that they see this possible product as competition for the short term disability. And so we are moving forward, information is starting to flow, an RFI will hopefully be developed within the next several weeks to go out because nobody in this room Mister President, believes that caring for our families in times of crisis is a bad thing. But I would equally submit that no one on this room thinks we should do it irresponsibly with really no supporting data that puts the state at risk for \$160 million program and we do a more severe injustice to those who depended upon it should it fail. You're absolutely correct, there are no guarantees but there are much better ways of modeling this, much more accurately with the insurance professionals who do this for a living. Hence we want to know what questions they have to shape the product that we'd like to have. That will enable us to build a factual basis and move forward so that we can pursue this objective with vigor, with the intent to complete a project that will produce what we want to the citizens of our state. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll leave the Senator from District 2 to do the numbers in more detail and I will just talk more. La Familia. I agree with you Senator from District 20. You're a good man and family first. I wouldn't be here without my family and many times I've been in need and I go to my father was like you and I would feel I could go to the family first. I don't look to the government, as you would say earlier. I look to the family first, I would like families to help families before they turn to the government. So I looked at my, everyone else gave little anecdotal evidence and so I looked at my own family. What's happened in the last eighteen years of my life? We've had four births, we have a child with an eating disorder, one we one we had had leukemia, and then let's see what else happened. Last year as you know my Dad moved in, he died, my mom has Alzheimer's. I would have went to the well for this nine out of the last eighteen years. So if say a family like mine, we'll just say I make 100,000 with my wife it would leave \$335 to pay for our family medical leave. The money wouldn't be there, I'm sure other families, they have, there's people with drug problems, so if I was going to use it nine out of eighteen, how many families are going to use it ten or eleven, twelve times. The money just isn't there under the formula that you have. It just fails. So that's going to then put it on the, it's either going to have to be the taxpayers who are going to have to come forward and I think if you guys were more honest, you would say that it's not going to work, it would be the taxpayers or businesses, my other problems with this, it's really not a voluntary program. You're asking if it was an opt-in, that would be a voluntary

program and I could accept that much easier also. And that's about it, that's good enough, but I just, there is another argument and again, I don't see if you were an average family like me and I have a wonderful life with very few problems, if I'm nine out of eighteen, someone else is going to be eleven, twelve, thirteen and this system just doesn't support that. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I too rise in opposition to the Interim Study motion and I do so for a number of reasons, but most important would be because I think the study has been done and I think the House did a very thorough job, not just on this piece of legislation, but on preceding pieces of legislation trying to work through a system that would be voluntary, that would address issues like competition for short term disability, that would provide a funding mechanism, that wouldn't be dependent on government subsidy, that work has been done and this product is before us today and is a result of many, many, many, many people spending many, many hours answering all of the questions that have been asked.

I do want to share a story with you about a family that was impacted by a terrible situation, a health care situation. The woman's name is Reagan Burke and when her son Ethan was three he suffered a major stroke and was hospitalized for six weeks. Neither of Ethan's parents, her mother or his father had access to paid family leave, so they each had to return to work even though their child was still dangerously ill and in the hospital and they could have lost their child at any time, and yet they couldn't sustain their families. When Ethan was eight, he passed away suddenly and during that time of unbearable grief the family had to depend on their extended family. They did depend on family. Not only for their emotional support, but to avoid financial ruin. That's just one of many stories, you've heard many stories here today from my colleagues. And you know a lot of this debate has been about people having to make choices, having to make tough choices. But I don't see this as just about choices, because people are making those every day. Some of us in this very room have had to make tough choices about working, about caring for elder parents, about caring for children, about caring for spouses. But I think what this legislation is really about, is about options. Is about providing a system so that when confronted with the most challenging and emotional and financially straining situations, there is an option for families here in this room, for families across the state. Families are going to have to make choices no matter what. Things happen and they happen at very untimely circumstances. But please, please give New Hampshire families who are confronted with horrific choices an option. Give them the option by passing this important piece of legislation today. Families in New Hampshire deserve that. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I appreciate all the conversations and all the comments that everyone has today and all of their stories about people who have experienced bad things to really great people. I don't believe there's a family in this room and frankly I don't believe there's a family that hasn't had some real challenges in their life. And we would all love to find a way to take away all their pain and all their sickness and all their challenges. I know we all would. So from a policy perspective I know we're all on the same page. The question's always Mister President, how do we get there, and how

do we make something happen? Now as part of this debate that we're having today and I truly appreciate the respectfulness that we're having it, I've had a little frustration Mister President, that this is underlying a current, that when people get in trouble, their employer doesn't step up and help them, their family doesn't step up and help them, the people in their community hasn't stepped up. So I can tell you that people do step up, employers do step up, families do step up. You know I know a business owner, down in Manchester, New Hampshire, who one of his employees got Crohn's Disease, and you know Mister President, we've been having a conversation recently about Crohn's Disease and compounding and it's a challenge that's costing upwards of 18 to \$20,000 per application for it. And this business owner came to me and said look I'm not infinitely wealthy, but I'm going to find a way to make sure that my employee gets the care they need and makes it work. And in fact actually invested and became someone who created a new place to provide that service for like \$3,000 because they went to bat for their employer.

I know another employer who saw a traumatic event happening for their employees. Stepped up to the plate, got that employee their own apartment, bought them a car, made sure that they could find their way to come to work during some challenges in their life. Now Mister President, I will also submit, just like my friend for Senate District 23 has had, kind of took stock about how my company's been running and what's been happening. In the past year we've had two deaths in my company, we've had two people with cancer, we've had a baby, we've had a chronic illness and a host of other things. Now Mister President, in my company, because I believe like you and I know that you are as well, we care for our employees. It is personal, and we do what it takes to make it happen. Now in my company Mister President, I offer unlimited vacation time, I offer unlimited sick time. Because we have a cohesive unit that I'm so incredibly proud of, that my management team, my co-workers have been there for our employees, to make sure when they've had to travel to Pennsylvania for the death of a parent that not only did we pay them, we covered them for the time they needed to take off. That we've helped our employees get medical treatment, have medical treatment and managed and reconfigured everything we have need to do to make it work. And I believe, sincerely believe, that the employers in this state do this. Is there an occasion from time to time when things go sideways? Absolutely, there always is. But I believe in the people of this state, I believe in the employees, I believe in the co-workers, I believe in the families, I believe in our churches, that we do not leave our people out to languish.

Now Mister President, part of my challenge when I'm hearing this debate, about what this specific program would do I asked is would it really work? Because we know that actually only four states Mister President, only four states in America have done this. California, New Jersey, Rhode Island, New York. Mister President, I've got to be honest, I'm not sure I look at those states as a model of economic and financial capability. Now we also know that Washington State did the same thing, and yet I've heard precious little in the debate about how Washington State passed the paid family medical leave program in 2007 Mister President, and they still have yet to make the program kick off or work, because they can't even find a funding source for it. And Mister President, I think that's part of the debate we should, we're having today. The best intentions, a wonderful thing, but every single financial model I've heard discussed both in the House and the Senate have asked the same question;

how do we pay for it? The sheer size of it, by up to fifty employees, up to \$50 million set up fee. The fact that we've talked about taxing people's personal income from fifty basis points to sixty-seven basis points to what do we need to do, where do we need to go to make it work? We've heard from the Senator from District number 2 talking about the rate of compliance to make it work. We don't have a program Mister President, that I'm aware of that requires an 80 percent participation rate of every single employee in our state to make something work. It makes me concerned. How do you get the 80 percent? How do you get to 80 percent, without making it mandatory? How do you get out of it if you're in it? I know we want to make something work, I know we're all concerned. But from everything I have heard in this program from everything we have seen in Washington State, from the states that are doing it. The program that is in front of us today is not financially capable of working. It's not going to provide the assurance that we have to give everybody that we're going to create a program that is sustainable.

You know and finally Mister President, I've taken to questioning some of the statistics we see from time to time when I hear 80 percent of the people or 86 percent of the people want this program or that program, and so Mister President, I turn to my employees and said to them, how do you feel about getting a paid medical leave program? Because we all know, because in my company we all are pretty intimate about the challenges we have, and they said well that would be great. And I said okay, well how do you feel if I'm going to tax your income in order to pay for it? And then all of a sudden the questions started coming up, well wait a second. How much of a tax on my income, how much are you taking, can I get on, can I get off, how does it work? So our employees understand the difference between a nicety and what you have to pay to get it. They understand that. And what I hope as everyone continues to support the Interim Study motion, is that you all can continue to talk about it and see if there is a program. Try to figure out why the private insurance industry doesn't offer this. Because in America, in a free market society, if it works, they tend to do it. Heck, even those little spinner things I see selling on convenience stores today, we're selling things we don't even need.

So, Mister President, at the end of the day, our obligation isn't just to look at something that we like in concept, it's to create a program that actually justifies both ends of the requirement. Raising the money, making the restrictions, building the program and the benefits that it provides, and clearly I have not heard in the debate that the first half is at a place where it's workable today. Because if we're going to impose a tax on people's income, if we're going to impose a near mandate for people to get into, if we're to make it virtually impossible for people to get out of it, we have to make sure that we're doing the right thing. So Mister President, I ask the body to support the motion of Interim Study, and let's continue the conversation, because I'm just not sure we are where we need to be yet today. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition. Yesterday in the Statehouse we celebrated 4H, a great program that's mission is to engage youth to reach its fullest potential. It was started in 1902 as a way to introduce agricultural discoveries to old time farmers who were reluctant to accept new science-based ideas. Doesn't that sound familiar? The Senator from District 4 and I got in a little

discussion. We were trying to remember what each of the H's stood for. It wasn't easy. Head, heart, health, but the last one stumped us. And it became a good reminder, the rubric to this discussion. Health, that's obvious. Data is tremendous that family leave helps improve health. We know it instinctively, we've known it forever instinctively. We've all practiced it, we've all had the opportunity I think in probably our parents and grandparents and our children and grandchildren. Head, we know it in the head. Well if we don't there's tons of information, not only showing all the positives that this connection makes at the beginning the end or the middle of one's life. But of you look at our great demographic challenges today, an aging population, declining workforce a baby bust, if we want to build that future, and a drug epidemic, all the while we're abandoning our most vulnerable citizens, leaving children unprotected, and gutting early intervention programs. In the last year we've seen the nearly doubling of our kids in our DCYF system. In the last year we've seen a 63 percent increase in the termination of parental rights. Destroying families. In my home county, we talked about stories, feel like it's old home day, Coos County, where we know life can be kind of like a country western song, but half of the expecting moms who are going to have babies in June are addicted to drugs and we don't know what that'll look like. But we know it's a challenge and we know that these toxic environments that children are born into, with tremendous stress, we know it changes the chemistry of the brain. It's physical, it's chemical, it's provable, the data is overwhelming. The last one's heart. Heart and I know every one of you, if it was your neighbor, you'd be there. I know it. Every single one of you care about people. I was an employer, had to get rid of an employee unfortunately, one employee couldn't afford, had cancer I know how hard it is and I know each business in the state struggles with this. I wish we had perfection but we don't. But we have to open our hearts to the stories of these people and understand that not only having empathy but action.

I have a story here of a Doctor John Stoddard, at I think Doctor Stoddard has delivered many, many, many of the babies in the North Country, and he's been an attending, and I'll just share his story here. I've been attending a patient with a twin pregnancy who was advised to stop working at twenty-eight weeks to prevent premature delivery and preeclampsia. At thirty-four weeks she developed severe preeclampsia and required labor induction. She worked right up until the day before her delivery because she's the sole breadwinner in her household. Not only that, it's awfully costly to everybody in the system in our healthcare system. But the final one that Senator Watters and I couldn't remember is the critical one. We can have the right heart, we can have the right head, but we need to have help, and that's the last one, help. Now every meeting I had with Governor Sununu since we started said how can we work with you, how can we find a pathway, how can we get there? You know we did on Medicaid expansion, the Majority Leader did a great job of weaving together policies to get everybody on the same page. We could have done it here, but we chose not to. He chose not to, he chose to get involved in the process before we had a chance to deliberate as a body. But more importantly Mister President, we have an opportunity to help, help.

And we need to break that plantation mentality that the landlords will take care of the landless peasants, that is generosity is the basis of getting a benefit, not something you earned as a basic human condition, that when you have a baby, you have a basic human right to be able to

be the best dad or mom that you can, like all of us enjoy. Business alone can't do this, business alone will not do this the government needs to be the one who puts this together. We wouldn't have Social Security if we listened to my friends. We wouldn't have had Medicare or Medicaid, we wouldn't have had Headstart. My gosh, if I listened to all this discussion of what we can't do, we can't do, we can't do. I thank the Lord, that Harry Truman did not have that attitude when he was involved in D-Day. We'd be on the beach, never would have got to the beach. We can do this, if we want to. Who is going to speak up and give this earned benefit to the people that Andrew Jackson called the humble members of society, who do the hard thankless work without the economic social leverage to earn the benefits that most of us rely on? We can't be modern day Rockefellers bestowing dimes upon our less fortunate citizens. We need to treat them with respect and decency.

Mister President, I work for a non-profit that focuses on the needs of children with chronic conditions and it's an amazing experience to work with these families, they are truly resilient and you know these parents when you go into a condition with a sick kid, a serious illness, if they're not poor going in they're poor going out, because the cost the expense the ability to try to balance work and family's impossible. Mister President, let's follow 4H, health, hand, heart and let's help. It is in the best interest to our constituents. Mister President, family leave will put children on the fast track to success and those on the other end of their life, a slower easier path and the rocky road to recovery and disaster and the ultimate preparation for death. I was with my dad, holding his hand when he died. I didn't have to get permission from my employer. I heard the ambulance driver after watching my son thrown fifteen feet from a car in North Conway, call him the victim and drove all the way to Hanover following in the dark. And I was able to be there. Fortunately I didn't have to ask permission from my employer, didn't even think to ask my employer. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I think it's time for a fact check and then a gut check. You know some people ask me what's the most disappointing thing about serving in politics right now. Basic understanding of facts, and as Daniel Patrick Moynihan said, "you're entitled to your own opinion, you're not entitled to your own facts." That, but you know what people can debate this until the day is long, about your own opinion but let's look at please, let's look at the facts out of respect for everyone who's worked on this for years, let's look at the facts. A statement; there is no supporting data. False. I've got binders full of studies. I didn't bring them, thought about it for dramatic effect but it would take some time to bring them over from my office next to the smoking room in the basement, over in the Legislative Office Room, if I brought them all the way over here then I'd have to take them all the way back. Where's the studies of the naysayers? We asked it at the hearing. I did for dramatic effect bring this napkin. There's nothing even on the back of the napkin. Naysayers got nothing. Fact number 2; Hayes said in his report, can't use this. Nowhere did Hayes say that, nowhere to be said. He did say, within the range of levels of participation considered, voluntary programs would have premium costs that are 30 to 60 percent higher than a FMLR program covering all employees. So that's why we put the band in which is in the amendment that Tammy has, you can vote down Interim Study and you can

vote for that amendment. Tammy's got it ready to go. Then he looked at it at 100 percent, 70 percent, 35 percent. The notion that he didn't look at it and non-mandatory, why he would have just looked at 100 percent. Didn't work with the insurance companies. Okay, they haven't filed any product to cover people for over 100 years, but we did, we did in this amendment which you can vote for if you vote down Interim Study, saying that the department goes out to contract with third party administrator, including insurance companies. You want to give them a shot? Let's give them a shot. Right now we've got to vote down Interim Study to get to the Floor Amendment though to give them a shot. That's a fact. Income tax; hear that all the time.

This is a voluntary insurance program. When I started meeting a while ago with my Republican colleagues I said you're going to hear this demagogic talking point about it being an income tax. And unfortunately Governor Sununu has done that, unfortunately we've heard it on the floor today, it's a voluntary insurance program, not even mandatory. Washington State; Washington State's getting up and running, Mister President. So the notion we can't do this, why are we rushing to get to no? That's not what we do in the Granite State, we work together to get to yes. And now here's the gut check. I heard my colleague from Senate District 23 say family should help families first. Senate President arguing vigorously in opposition to this in the public executive session, talked about how he decided that his wife would stay home with their kids. Everybody can make those choices, if there are a meaningful choice. If you have a two parent working household, it's not a meaningful choice. If you're a single parent, it's not a meaningful choice. The choice now is to choose between work and family. Don't we all value work? Don't we all value family? So that's the gut check. If you value both, you're going to vote to overturn Interim Study. We're going to go forward with the amendment that's right up there ready to go. That's the gut check. Vote down Interim Study, let's get to the amendment and let's finally get this done, it's been twenty years working families have waited way too long. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in support of the Interim Study motion. Listening to all the talk today and going through four hours of hearing in Finance, I don't believe there's any one of us that doesn't have empathy for the stories that have been told. But let's look at the facts of it. There are two parts to this equation. There's the emotional side and there's the financial side. The financial side is the reason it went to Finance. In Finance, we looked at the program and said if we are going to have such a program it needs to be sustainable. We have an obligation to make it sustainable. If not it is a disservice to all of those who are participating in the program. To the comment that was just made that this is not a mandatory program; tell that to the employers. Employers are mandated that they will offer this. The employees are in the program unless they opt out, but then they have to go and get a notarization to get out of it. Once they're into it, they can't get out later.

We run programs like pension system, Medicaid programs with each of those we have independent actuaries do the analysis of that. There is no such thing done with this program. Why would we go forward without doing something like that? We've got the Department of Insurance and Employment Security that are telling us and they both agree on this and

actually to the point they were both nominated and appointed by Democrat Governors, but they say the same thing. Without an independent actuarial analysis of an optional paid leave program, the departments cannot certify to the legislature or the Governor that the paid leave program created by House Bill 628 would be solvent, and thus be there for program participants who have come to rely on it. Our obligation to make sure that it's sustainable. But what happens when money runs out, if it runs out? The bill is silent on that. There is no plane for insolvency. Does it come back to the state for more money? Are you going to raise the rate on the employees, to make sure it's sustainable? We don't know. And maybe another reason for Interim Study.

The Hayes report was mentioned. What the Hayes report actually says is that analysis of programs with voluntary participation of workers should be considered exploratory. We're talking about putting something into action, not studying. In all the talk that has gone on this morning, we seem to hit a lot on the stories, and I said I can empathize with each one of them, because I don't think there's any of us here that haven't gone through our own stories in that. But there's one part we seem to forget and that's that financial part, \$50 million, forty three new employees, \$6 million a year to run and three years to implement. No one wants to talk about where the money's coming from. But this is another reason we should go to Interim Study.

As far as unanswered questions, okay, an employee can get short-term disability, usually company paid for. They could pick up long-term disability, which they may have to pay for. Those two run concurrently. After those are done, could they go in and pick up FMLA, Family Medical Leave Act as offered by the federal? And then when that runs out then go back and pick up paid medical leave under the FMLI that we're talking about? We don't know, I've asked that question numerous times, no one has an answer. You know I have to commend the Governor in looking at this program and re-looking at it and coming to the conclusion that there are two sides of it, the emotional side and the financial side. And I believe his hesitation is on the financial side. We have not done our work to find out how this program is going to be sustainable. And for that reason I would ask that you join me in voting Interim Study on this bill. Thank you, Mister President.

PRESIDENT MORSE: Several people have indicated they're going to call the question. There's one speaker left, Senator Bradley. We're going to have Senator Bradley speak and if we have to we'll vote on calling the question.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I don't think anybody would dispute the fact that the family situations that have been described here are compelling and that all of us are extraordinarily sympathetic to doing whatever we can do as a legislature, what employers can do, what family members helping can do and yes in fact perhaps at some point in time whether it's state or national family medical leave insurance. They are compelling. And this isn't a question about the perfect being the enemy of the good. It's not that question at all. The question is will it work as intended? So pardon me for being skeptical and wanting to ask the tough questions when the sponsors of this bill come in and increase the contribution level by 30 percent and decrease the benefit by 50 percent. I think that bears really tough scrutiny. And so when I hear

things about the naysayers having nothing, I also want to check the facts and I thought a really good job was done by the Concord Monitor over the weekend. Because the most important thing and what we've been debating about on the floor all morning is what proponents and we've heard it from the proponents on the floor is, is the program solvent? Guaranteed to be solvent. That's, and the claim is as written it's guaranteed to be solvent. Well according to this fact check, the verdict is not exactly. So the costs have increased we know that and then it goes on to say there are some significant caveats in the way that the studies in the other states have been performed. This is a voluntary program, the other states are not. A study that was relied upon by the proponents from the Institute of Women's Policy Research, should be considered exploratory, and a preliminary starting point. And perhaps most importantly the data that proponents have relied upon, the Hayes report, this is what the Monitor indicated in quoting from Mister Hayes. He said New Hampshire's proposed program has changed considerably since his study. I think that given the originality and uniqueness of what New Hampshire's proposition is, I think another analysis is probably a good idea. Well why is it a good idea? If the program works as intended, great. But what happens if it doesn't?

There are four scenarios. Continue to decrease the benefit and increase the contribution, make it mandatory and decrease the benefit and increase the contribution, make it mandatory for employers, or have it a general fund expense for the state of New Hampshire. Now maybe somebody has another outcome that I'm not aware of but that's what's likely to happen and I question whether any of us are ready for any of those four scenarios if it doesn't work as intended. Senator Daniels' exactly right. I sat on the retirement board, independent actuarial analysis is absolutely essential when doing things like this, retirement rates, Medicaid rates, we base our budget so much on Medicaid rates that you absolutely have to have independent actuarial analysis. It was very clear from the Department of Employment Security and the Insurance Department that that had not been done.

So, what we're left with is not the naysayers having nothing. What we're left with is a lot of unanswered questions. People who are asking questions are not demagogues, we're not demagoguing this initiative. I remember once upon a time in 2013 when a plan that I was bringing forward with our friend in the Chair, the first iteration of Medicaid expansion, was called by then Governor Hassan, worse than no plan at all. Remember that? Senator D'Allesandro, you remember. Because you came to us with Senator Larsen and Senator Gilmour and Senator Odell and we rolled up our sleeves to answer those questions. We had a bipartisan plan that's been successful for four years and God willing, and 424 of us willing, it's going to go to the Governor who's supporting this because it works, and it's been proven to work. And it's stood the test of time because we did that hard work. Saying the naysayers have nothing is totally missing the mark.

If anybody here is ready for those four scenarios I outlined, decreasing the benefit, increasing contribution, making the program mandatory, and then doing the same, having it an employer responsibility to fund or a general fund responsibility, please raise your hand and vote against the Interim Study motion. But if you're like me and the details matter, and yes, I don't make the perfect the enemy of the good around here, but I want to know if I'm going to vote for something that there is a very good expectation as we've done with Medicaid that it's going to work. That's why you should support Interim Study, and let the proponents

negotiate and come back with the skeptics and see if there is a way to deal with the very compelling family situations that have been outlined on the floor this morning. Thank you, Mister President.

PRESIDENT MORSE: While people weren't in the room, I said that the question was going to be called and I didn't recognize that Senator Fuller Clark had asked to speak. I will recognize Senator Fuller Clark and then I'll recognize Senator Birdsell which I believe is calling the question.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I appreciate that, Mister President. Thank you very much. Much has been said this morning that is moving in terms of the stories that have been told and placed into the record. I listened to Senator Sanborn and I think it's in a very admirable and that we should acknowledge all of the businesses that are providing the supports that this legislation would do for those businesses that can provide it, but I think it's important to understand that there are hundreds if not thousands of individuals in this state who don't work for employers who are in a position to provide them with family and medical leave and they need the support of this program.

I would like to say to Senator Woodburn in addition to his 4H's there is a fifth H, that is hope. And there is nothing in the way we've been asked to vote today that offers hope to those individuals and those businesses that recognize the need for this program, that recognize it's an important tool in our tool box to keep millennials here, to attract young two parent families. And there are ways that that hope could have been put forth when we were asked to vote on this today. No one's talking about how that independent study is going to be paid for. No one is talking about what are the group of legislators that are going to roll up their sleeves and make this happen. All you have done is say find all the reasons to say why it can't work and you have not created a pathway to success. That is what concerns me. I want to be able to offer hope in addition to help and also to remember that you know, this is not an income tax. What a, you know, terrible word that income tax is the way it colors everything we think about and everything we do. This is, and we were asked to create a voluntary program here in New Hampshire. And so this is something that employees to do, they choose to pay into it, so let's create for them a program that is sustainable that they can pay into and that they can benefit when they have the need of looking after a new family member, when they have the need in a state where many of us are going to live into our nineties but we need the care of our children or even our grandchildren who are working, where we have a sick spouse or we're sick our self and there aren't the benefits imbedded in the work obligation that many of the individuals that we read from in this booklet today have. Let's find a way, a pathway to offer them hope and to offer a program that they will want to sign into and that they have then the choices that are so imperative to keep the ethos of family well and healthy and intact. Thank you.

The question is on the adoption of the motion of Interim Study.

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

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.

Recess. Out of recess.

HB 1411-FN-A, relative to funds transferred to the nongame species account.

Ought to Pass, Vote 6-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1411-FN-A Ought to Pass. This bill increases the level of matching funds for public donations to the Fish and Game Department's nongame species account. Nongame species are species other than those which are hunted, fished or trapped. This successful program works with conservation organizations to conserve sensitive habitats, and keep species off the U.S. Fish & Wildlife Service's Endangered Species List. The Senate Finance Committee recommends passage of HB 1411-FN-A, 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.

HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.

Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I ask my colleagues to reject the Inexpedient to Legislate motion so that an amendment may be offered.

Recess. Out of recess.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I too rise in opposition to the pending motion of Inexpedient to Legislate. That was even before I saw this amendment, because I believe that the underlying legislation, the legislation that's before us at the moment, is something that's truly needed. And I want to tell you about one of my constituents who called me when I was serving my first term in the Senate and he's retired police officer, retired as an assistant chief and he said I want to talk to you about the death penalty. And I thought, okay, you know a constituent, of course I'm going to talk to him. And I presumed given his profession that it was something that he truly believed in and as we started talking, we're having coffee and I was feeling a little anxious. He said you know my entire career I've always believed in the death penalty and he's a Manchester police officer and certainly what happened to Michael Briggs weighs on all of us every day, but he said when Sandy Hook Elementary happened something struck me. So I have a son and I have a daughter. My son is a police officer and my daughter is a teacher, and given the same set of circumstances with children, being put in harm's way in danger of being injured my son would do his job and my daughter would do hers. But the benefits afforded to my son are very different than anything that would ever be afforded to my daughter. And he said I have two children. I love them equally, and I know that each of them given the same set of circumstances would put themselves between a gunman and school children. This bill recognizes the importance of the role that educators play in protecting their students. Now it's never happened in New Hampshire, God forbid anything as horrific as what happened at Sandy Hook or Columbine or Florida happen here but putting in place a benefit in the event that it happens, doesn't cost us anything right now, but it would give comfort to the family of that educator who may be injured. I ask you to vote down this motion and most importantly I ask you to vote simply Ought to Pass on this bill. Thank you, Mister President.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Giuda, Dist 2

Sen. Gray, Dist 6

Sen. French, Dist 7

Sen. Ward, Dist 8

Sen. Sanborn, Dist 9

Sen. Daniels, Dist 11

Sen. Avard, Dist 12

Sen. Carson, Dist 14

Sen. Reagan, Dist 17

Sen. Birdsell, Dist 19

Sen. Morse, Dist 22

Sen. Gannon, Dist 23

Sen. Innis, Dist 24

April 25, 2018

2018-1791s

05/04

Floor Amendment to HB 1415-FN-A

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

AN ACT making an appropriation to the public school infrastructure fund to improve security in public schools.

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

1 Appropriation; Public School Infrastructure Fund; School Emergency Readiness Program. To improve security in public schools, the sum of \$10,000,000 for the biennium ending June 30, 2019 is hereby appropriated the public school infrastructure fund established in RSA 198:15-y, to provide additional funding to the department of safety, division of homeland security and emergency management's school emergency readiness program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2018-1791s

AMENDED ANALYSIS

This bill makes an appropriation to the public school infrastructure fund to provide additional funding for the department of safety's school emergency readiness program.

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

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Floor Amendment.

Senator Soucy objected to the suspension of Senate Rule 3-17.

The question is on the suspension of Senate Rule 3-17.

(The Chair Recognized Senator Bradley.)

SENATOR BRADLEY: I would hope that as the amendment's being passed out now before it's been introduced that we can have a debate

about school safety. This has been an issue that we've talked about several times on this floor this year. It's an issue that we certainly talked about in the budget last year. We established in the budget of 2018 and '19 almost \$19 million for the public school infrastructure fund that was meant to make our schools better and safer. My understanding is \$13.7 million has been approved by the Governor and Council from that fund, an additional \$4.9 has been approved by the Joint Fiscal Committee and headed to the Governor and Council. What the amendment would do, if we decide to back the ruling of the Chair that it's germane, would be to infuse another \$10 million which members of the Finance Committee and others who've looked at the finances of the state of New Hampshire believe is available and appropriate right now to add to our infrastructure needs to make sure that we have adequate resources for school safety. So I'm a little bit surprised that we're having a debate about germaneness because this is something, we've debated much of the session and last year in the budget. So, I'll rest there and hope that everybody wants a debate about an amendment that I think we all can support and move on. Thank you, Mister President.

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

SENATOR SOUCY: Senator, I'm looking at the language of this amendment and had an opportunity to do so before, and I think the concern that's been expressed is that this amendment is a replace all.

SENATOR BRADLEY: That's correct, but we're debating germaneness now and so it is a germane amendment as the, you just spoke rather eloquently about school safety and so I'm not exactly sure why you'd think that this amendment is not germane, given that your remarks were just about school safety. You may not agree with me about the underlying bill and that's fine we can have that debate, but we also should be able to have a debate about the safety and how to improve New Hampshire schools, I think. I hope you agree with me.

SENATOR SOUCY: Senator, would you believe I agree with you, but we have had debates but this amendment just having been dropped in our laps that appropriates money with absolutely no criteria, to me does not seem germane to the issue of an incident occurring and providing a death benefit in that regard?

SENATOR BRADLEY: And I appreciate that but just based on your own remarks about the underlying bill, it is about school safety. I will let others on the Finance Committee talk about the finances when we get the actual amendment. You know just knowing that we're running a significant surplus, knowing that school safety is a critical issue for all twenty-four of—

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in regards to Senator Bradley's remarks.

SENATOR BRADLEY: We're trying to get this done before the end of the session. If we think it's a priority to deal with school safety issues, this in my opinion, and I think in the opinion of the sponsors of the amendment is one of the most effective ways to make sure our buildings, our school buildings, have the necessary infrastructure improvements to make sure that they are safe. That's what this amendment tries to do.

SENATOR SOUCY: Thank you.

PRESIDENT MORSE: Please understand from the parliamentary situation, you're voting on suspending rule 3-17 to make this amendment germane so we can debate it.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Rule 3-17 says, "No amendment to any bill or resolution shall be allowed except it be germane. For the purposes of this rule and amendment to a bill or resolution is germane if the subject matter of the amendment is the same as that of some portion of the bill or resolution." I think I agree that this is non-germane in light of the fact that this is talking about a death benefit for school employees versus an appropriation to the public school infrastructure fund. So I agree and I think the better course of action is to notice this for a public hearing on Monday afternoon, in Senate Finance. Thank you, Mister President.

PRESIDENT MORSE: Remember, you're debating suspending rule 3-17. That's the parliamentary situation, so you can determine this is germane.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: So, in light of what the Senate President just reminded us, do we want to debate school safety, and potentially be able to appropriate \$10 million to harden buildings and protect kids or not? That's kind of a fundamental question here. And I know it takes sixteen votes to do that here, but do we really want to throw a procedural roadblock in the way of appropriating dollars that we know exist, to enhance school safety? That's what this is about. So, I hope that in the spirit of cooperation, which we've actually had quite a bit of this year, whether it's Medicaid, whether it's Marsy's Law, whether it's environmental initiatives, whether it's improving child care agencies, renewable energy, an awful lot of good work has been done this year. I agree, this is kind of at the last minute, we've seen other last minute amendments too. But we're also close to the end of the session. That's why it's important that we have this debate. And rest assured, if you're not willing to have the debate, then that puts in doubt whether we have the willingness to harden our schools, to make kids safe. That's what this is about. So please, think about, you know, the message it sends. There are no fourth graders in the gallery right now. But if there were, think about that and think about the message it sends to the nearly 200,000 students that we're not even willing to debate an amendment that could help protect their lives. Thank you.

The question is on the suspension of Senate Rule 3-17.

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

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. Failed, lacking the necessary 2/3 vote.

Senator Bradley moved to Lay on the Table HB 1415-FN-A.

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

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.

HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system.

Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1756 Inexpedient to Legislate. This bill grants an additional allowance of \$500 to certain retirees in the state retirement system, funded by general fund appropriations in fiscal year 2020. The one time allowance applies to retirees receiving a benefit under 30,000 per year who have been retired for at least five years. The actuarial analysis indicates the estimated one time up front cost of funding this \$500 additional allowance in fiscal year 2020 would be a general fund appropriation of approximately 7.8 million which would increase to a total of 10.3 million if appropriated on July 1, 2019. House Bill 1756 also grants a cost of living adjustment, or a COLA, of 1.5 percent to the same retirees contingent on funding for the total actuarial cost in fiscal year 2021. The actuarial analysis indicates the 1.5 percent COLA is projected to cost approximately 51.3 million which would increase to a total of 72.8 million if appropriated on July 1, 2020. It was noted during deliberations on the bill that retired employees from the private sector share the same financial difficulties as retired state employees, but rare, if ever, get a cost of living increase. A motion to amend the bill by only providing the one-time payment failed on a 2-4 vote. The Senate Finance Committee recommends House Bill 1756 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak in opposition to the Inexpedient to Legislate motion that we have before us today. We keep going around and around on this particular issue. This was an issue that was extensively discussed within the Decennial Commission. We agreed that it was important, that we do something for our retirees. They have not received any sort of increase in their retirement. Nothing. We have retirees in this state that are living on less than \$30,000 a year. We know the cost of goods and services keeps rising and rising and rising, they can't catch up. So what's happening to these folks? Many of them are finding themselves in our community social welfare offices. What are we supposed to do, tell our seventy-five, eighty year old retirees go out and get a job, to make up whatever you need? These people have worked for us, they spent their working lives serving the people of the state of New Hampshire. And this is how we treat them? Mister President, we can do better and we must do better, and I hope that we continue this conversation for those who are going to be here next year, that when it comes time for the budget that we can give our state retirees some sort of financial relief, some sort of COLA, some sort of one-time payment to help them. Because what we're doing now just is not cutting it. Thank you very much, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the motion of Inexpedient and say as my colleague from Londonderry has said, this was one of the recommendations of the commission. The commission meets once every ten years. This was

a \$500 payment. Look at the census of retired employees. Look at the number of employees now who are eighty and over, ninety and over, we have some that are a hundred or over. Those people retired with an average retirement benefit of \$12,000. When you look across the system the benefit is 30,000 even with the heavy hitters up at the top end. This doesn't do anything for those people, but it takes care of those under 30,000, \$500, \$500. The last time we did this we gave them \$1,000 one-time grant. Senator Downing who was sitting right here next to me, and I, over one, excuse me, over one. Senator Downing and I worked with the committee of conference to put it together. They got \$1,000, \$1,000. What's happened to the index cost of living since that time? And again, as the Senator points out, they haven't gotten anything. You know, once upon a time, COLAs could be granted without going to the legislature, they could be granted by the Fiscal Committee. We changed that, now it has to be legislative action to grant a COLA. This is a time when we have the resources to grant this. We have the resources to grant it. These people have been active members of our society. We all brag about how good state employees have been. I can remember when state employees used to polish their trucks, they had the best looking trucks on the road, and they'd stop and help you if you were in need. Come on. We can't give them \$500, \$500? What's \$500 in today's world, we talk about millions, millions, and we can't talk about 500 for an individual, 500 bucks? You know I looked at new cars, you know what a new car can cost today? Up to \$90,000. I bought my first house for 17,500. I was worried to death about paying \$148 a month on my mortgage. We're talking about \$500, we should divide this bill in half, pay the 500, I understand the second part of the bill's difficult. I understand that and we're not asking for that. We're asking for \$500 for our state employees. Thank you, Mister President.

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

SENATOR SOUCY: Senator, I just want to make sure I understand the first part of this amendment would provide a \$500 stipend to those making less than 30,000?

SENATOR CARSON: That is correct.

SENATOR SOUCY: And I want to make sure I understand, the second part is dependent upon certain factors and I'm looking at the bill in RSA 100:A-41 II. My understanding of this language; no supplemental allowance under paragraph I shall be made unless the terminal funding of the total actuarial costs thereof as determined by the actuary and certified by the Board of Trustees of the Retirement System is approved for funding through retirement system funds, state general funds or some other concern. My understanding of that is that even if we were to pass this bill, there's no automatic one and a half percent COLA unless all of those steps are taken to certify that it can be made?

SENATOR CARSON: Thank you, and you are correct.

SENATOR SOUCY: Thank you, Senator.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to the ITL and hope we can overturn that and really move this forward. As the Senator from District 14 mentioned, about the Decennial Commission, we served together on that and we spent a lot of time on the issue of COLAs. You know, we know that the Group 2 folks don't get social security. We know that the average pension back in 2009 when

there was the last COLA it was \$20,000 to the average pension at that time that's now been eroded down to around \$16,000. And we looked, I think the case was made that we need to try to do something. Now the good news coming out of the Decennial Commission was that the amortization schedule on the unfunded liability is working, we're on track and that's a huge accomplishment for the really tough decisions we made a few years ago. But this was unfinished business, and I think you know throughout the commission the argument was made that we ought to try to do something about this. We tried a lot of things, we tried to pass something calling for a COLA of various sizes and various income levels within the retired group. I proposed, and we almost passed, a mandatory opt out of a supplemental retirement program so that essentially workers could end up funding their own COLA if they had that and we couldn't quite get there on that in part because of the potential issue of employee contributions and you know, certainly yeah, the municipal association was there to say, look we're paying awfully high rates already and if this is going to come out of our hide, we don't know if we can do it. But what we could agree on was the \$500. And that was Representative McGuire who brought that motion forward, and it was a good thing to do it was the right thing to do but recognizing that even if we did that, this conversation now could be over about a true COLA because inflation is not going to go away, the erosion of earning power is not going to go away, and the fact that our group 2 folks don't get social security is not going to go away. So this, saw a lot of work in the House, it got over here which really says something, that the House sent it over to us, and I really hope that we can overturn the ITL and try to get to work, see if there is a part of this bill that maybe we can do and then recognize maybe in the budget next year we're going to have to try to do more. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I'll be brief. I find it peculiar that ten minutes ago we shot down a \$10 million appropriation to keep our kids alive and safe, but all of a sudden we reverse course to say that we want to help folks under a different cost. I think that that's just disingenuous. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, just a point of order. My point of order is this; we're talking about this piece of legislation. This body and nobody in this, nobody in this Senate does not care for every child in this state. Nobody. And to have an inference that we don't care about children is absolutely absurd. Doesn't belong in this conversation. We're talking about the lives of people who are retired and working for the state. That's what we're talking about. And we're talking about giving them a \$500 raise. Let's focus on what the problem is and address it. Never mind throwing in other nonsense that has no place here. Listen, we're all good people. We all care about one another and we care about the people we serve, and anyone who doesn't believe that doesn't belong here. Thank you, Mister President.

PRESIDENT MORSE: I'm not sure that needs a ruling, Senator.

The question is on the adoption of the motion of Inexpedient to Legislate. A roll call was requested by Senator Hennessey, seconded by Senator Carson.

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

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

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

Recess. Out of recess.

Senator Bradley moved to Lay on the Table HB 1756-FN. Adopted.

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."

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

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 1103 Ought to Pass. The bill would provide payment through the federal TANF reserve funds for reports of abuse and neglect that are unfounded but with reasonable concern. The committee heard that there is a lack of options for social workers looking to help children and the unfounded but with reasonable concern finding. This bill specifically focuses on the unfounded with reasonable concern cases at DCYF. By focusing on these families, many cases could be prevented from growing to the level of abuse and neglect. This bill would be another step forward in creating the reforms DCYF needs to best protect our children. The Health and Human Services Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

April 25, 2018

2018-1794s

05/04

Floor Amendment to HB 1103-FN

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I by inserting after subparagraph (f) the following new subparagraph:

(g) Notwithstanding subparagraph (c), the state shall have no right of action against the parents or other people chargeable by law for the minor's support and necessities for voluntary services provided to the child, family, or household in a case that was unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX. In such cases, any services provided by the department may be paid from available TANF reserve funds.

2018-1794s

AMENDED ANALYSIS

This bill provides that voluntary services provided pursuant to a report of abuse and neglect that is unfounded but with reasonable concern shall be exempt from parental liability for reimbursement. The department may use available federal TANF reserve funds to pay for the services.

SENATOR BRADLEY: Alright, thank you, Mister President. In line 7 of the amendment it changes shall to may, this is important because there are families that will qualify for voluntary services that are not

eligible for TANF funds. The change also makes House Bill 1103 consistent with Senate Bill 592 which we all spent a lot of time on which passed the House Finance and will be on the House floor next week. So in an effort to align both bills I would ask you to support the Floor Amendment. 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. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services
April 17, 2018
2018-1599s,
01/04

Amendment to HB 1418-FN

Amend RSA 126-A:75, I-III as inserted by section 1 of the bill by replacing them with the following:

I. There is established a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

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

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

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

(3) The insurance commissioner, or designee.

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

(5) One public member, appointed by the governor.

(6) A representative of the New Hampshire Hospital Association, appointed by the association.

(7) A physician licensed under RSA 329, appointed by the New Hampshire Medical Society.

(8) The executive director of New Futures, or designee.

(9) A representative of the New Hampshire Pharmacists Association, appointed by the association.

(10) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(11) A member representing pharmacy benefit managers, appointed by the Pharmaceutical Care Management Association.

(12) A representative of America's Health Insurance Plans (AHIP), appointed by that organization.

(13) A representative of Pharmaceutical Research and Manufacturers of America, appointed by that organization.

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

II.(a)(1) The commission shall study how to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending in the New Hampshire and by analyzing the amounts rebated by drug manufacturers for certain high cost and high utilization prescription drugs. The commission's study shall include, but not be limited to:

(A) Studying strategies available to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending and the impact of price increases on patients and their families.

(B) Reviewing legislative efforts in other states and taking advantage of any other analysis by outside organizations or foundations.

(C) Analyzing the impact of drug prices on insurance premium costs, consumer out-of-pocket costs for prescription drugs, and state and county purchasing of prescription drugs.

(D) Analyzing the potential impact of transparency in relation to the practices of pharmaceutical manufacturers and pharmacy benefits managers, including how research and development, marketing, and rebates affect drug prices.

(E) Proposing changes to New Hampshire law, as needed, to reduce the rising cost of pharmaceuticals.

(2) The commission shall also study the role pharmacy benefit managers play in the cost, administration, and distribution of prescription drugs; if greater transparency in pharmaceutical costs to purchasers would lower costs in overall health care spending in New Hampshire and analyzing the amounts rebated by drug manufacturers for prescription drugs passed to purchasers and patients. The goal shall be to determine if any changes to New Hampshire laws could reduce the rising cost of pharmaceuticals to purchasers or patients.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

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

SENATOR FULLER CLARK: Thank you, Mister President. I move House Bill 1418-FN Ought to Pass with Amendment. Currently, the cost of pharmaceutical drugs have risen exponentially, making the cost of healthcare as a whole even more burdensome for New Hampshire citizens. This bill as amended would create a commission to study greater transparency regarding pharmaceutical costs and drug rebate programs by bringing stakeholders together to study the cost of drugs and how prices are set. This could be one more step towards the goal of lowering the cost of health care for New Hampshire consumers. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1418-FN. 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.

HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services

April 18, 2018

2018-1636s

01/04

Amendment to HB 1565-FN

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

AN ACT requiring the secure psychiatric unit to be accredited as a behavioral health facility.

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

1 Department of Corrections; Duties of the Commissioner; Secure Psychiatric Unit. Amend RSA 21-H:8, XI-a to read as follows:

XI-a.(a) The commissioner shall be the principal administrator of the secure psychiatric unit established pursuant to RSA 622:41. ~~[He]~~ **The commissioner** shall establish the treatment standards for the unit after consultation with the commissioner of the department of health and human services. The commissioner shall:

~~[(a)]~~ (1) Administer the unit;

~~[(b)]~~ (2) ~~[Repealed.]~~

~~[(c)]~~ (3) Consult with the commissioner of the department of health and human services regarding transfers to the unit;

~~[(d)]~~ (4) Transfer persons in his **or her** custody to the unit if treatment is needed for mental disturbance;

~~[(e)]~~ (5) Discharge persons pursuant to RSA 622:48;

~~[(f)]~~ (6) Review, at least annually, the mental health programs with the commissioner of the department of health and human services to determine what policies, standards, or practices should be revised to improve treatment;

~~[(g)]~~ (7) Appoint qualified persons to positions established in RSA 622:43, I;

~~[(h)]~~ (8) Administer the unit in such a manner as to meet accreditation standards ~~[and to seek accreditation]~~; and

~~[(i)]~~ (9) Perform other tasks necessary to carry out the administration of RSA 622:40-48.

(b) The commissioner shall seek accreditation from the National Commission on Correctional Health Care to have the secure psychiatric unit accredited as a behavioral health facility. The accreditation process shall commence before January 1, 2019. The commissioner shall make all reasonable and good faith efforts to achieve accreditation in a timely manner.

2 Reports Required. The commissioner shall submit an interim report, on or before January 1, 2019, relative to the steps taken to receive accreditation as required under RSA 21-H:8, XI-a(b) as inserted by section 1 of this act and identifying any barriers to securing such accreditation and a final report on or before January 1, 2020 to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees having jurisdiction over criminal justice and health and human services.

3 Secure Psychiatric Unit; Treatment Standards. Amend RSA 622:46, I to read as follows:

I. The commissioner shall establish clinical and treatment standards for the operation of the unit in consultation with the commissioner of the department of health and human services. The commissioner shall review, at least ~~[annually]~~ biennially, any interagency agreements and the mental health program at the unit to determine which provisions, standards, or practices should be revised to improve treatment. **The commissioner shall submit a report of its findings in each even-numbered year, commencing on or before November 1, 2020, to the speaker of the house of representatives, the senate president, the governor, and the chairpersons of the house committees having jurisdiction over criminal justice issues and health and human**

services issues, and the chairpersons of the senate committees having jurisdiction over judicial issues and health and human services issues.

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

2018-1636s

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to apply to the National Commission on Correctional Health Care seeking that the secure psychiatric unit be accredited as a behavioral health facility. Under this bill, the commissioner of the department of corrections shall submit a biennial report in even-numbered years of its findings as to whether certain provisions, standards, or practices should be revised to improve treatment at the secure psychiatric unit.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1565-FN Ought to Pass with Amendment. The purpose of this bill is to require that the secure psychiatric unit seek to be accredited as a behavioral health facility. The committee heard much testimony from families of patients at the secure psychiatric unit who had concerns regarding the level of care available. This bill would require the commissioner of the department of corrections to seek accreditation from the Commission of Correctional Health Care, as well as submit a biennial report in even-numbered years as to whether certain aspects of the secure psychiatric unit should be improved or revised. This presents a necessary step understanding and treating mental illness in the State of New Hampshire. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on HB 1565. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
April 26, 2018
2018-1804s
01/04

Floor Amendment to HB 1565-FN

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

AN ACT requiring the secure psychiatric unit to be accredited as a psychiatric facility.

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

1 Statement of Findings.

I. The general court hereby finds that:

(a) A separate forensic psychiatric hospital would be the preferred solution for persons who are violently psychotic.

(b) Placement of the secure psychiatric unit within the state prison causes problems for civil patients and their families.

(c) Transferring patients to forensic facilities outside of New Hampshire is not a viable option.

II. Therefore, the general court hereby seeks to have the secure psychiatric unit accredited as a psychiatric facility. In this act, the department of corrections, in collaboration with the department of health and

human services, shall commence the process of accreditation of the secure psychiatric unit by the Joint Commission on Accreditation of Hospitals as a psychiatric facility.

2 Department of Corrections; Duties of the Commissioner; Secure Psychiatric Unit. Amend RSA 21-H:8, XI-a to read as follows:

XI-a.(a) The commissioner shall be the principal administrator of the secure psychiatric unit established pursuant to RSA 622:41. ~~[He]~~ **The commissioner** shall establish the treatment standards for the unit after consultation with the commissioner of the department of health and human services. The commissioner shall:

[(a)] (1) Administer the unit;

[(b)] (2) [Repealed.]

[(c)] (3) Consult with the commissioner of the department of health and human services regarding transfers to the unit;

[(d)] (4) Transfer persons in his **or her** custody to the unit if treatment is needed for mental disturbance;

[(e)] (5) Discharge persons pursuant to RSA 622:48;

[(f)] (6) Review, at least annually, the mental health programs with the commissioner of the department of health and human services to determine what policies, standards, or practices should be revised to improve treatment;

[(g)] (7) Appoint qualified persons to positions established in RSA 622:43, I;

[(h)] (8) Administer the unit in such a manner as to meet accreditation standards ~~[and to seek accreditation]~~; and

[(i)] (9) Perform other tasks necessary to carry out the administration of RSA 622:40-48.

(b) The commissioner shall seek to have the secure psychiatric unit accredited as a psychiatric facility.

3 Reports Required. The commissioner shall submit an interim report, on or before January 1, 2019, and a final report, on or before January 1, 2020, relative to the steps taken to receive accreditation as required under RSA 21-H:8, XI-a(b) as inserted by section 2 of this act and identifying any barriers to securing such accreditation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees having jurisdiction over criminal justice and health and human services.

4 Secure Psychiatric Unit; Treatment Standards. Amend RSA 622:46, I to read as follows:

I. The commissioner shall establish clinical and treatment standards for the operation of the unit in consultation with the commissioner of the department of health and human services. The commissioners shall review, at least ~~[annually]~~ biennially, any interagency agreements and the mental health program at the unit to determine which provisions, standards, or practices should be revised to improve treatment. **The commissioner shall submit a report of its findings in each even-numbered year, commencing on or before November 1, 2020, to the speaker of the house of representatives, the senate president, the governor, and the chairpersons of the house committees having jurisdiction over criminal justice issues and health and human services issues, and the chairpersons of the senate committees having jurisdiction over judicial issues and health and human services issues.**

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

2018-1804s

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to apply to the Joint Commission on Accreditation of Hospitals seeking that the secure psychiatric unit be accredited as a psychiatric facility. Under this bill, the commissioner of the department of corrections shall submit a biennial report of its findings in even-numbered years as to whether certain provisions, standards, or practices should be revised to improve treatment at the secure psychiatric unit.

SENATOR HENNESSEY: Thank you, Mister President. I rise actually in opposition to the committee amendment that I guess was just voted in, and the reason is that, and I apologize for being at this late point, but I have to say that it took me a while to try to figure out what was gnawing at me. And what was gnawing at me is that even though I'm in the profession, I had no idea what a behavioral health facility was. I've never seen that as a real term, I have no idea what it really means and I'm not sure why we switched from a psychiatric unit or facility to a behavioral health facility. The only time, well I don't even need to go into that but, we no longer should be or want to be, I think we all agree, warehousing people with significant mental illness. We have moved way beyond *One Flew over the Cuckoo's Nest*, at least that's what we say. I think everybody on Health and Human Services was just outraged by what we heard about the way people in the secure psychiatric unit are being treated. And I think the staff there is well-meaning, they're terrific but they don't have enough, and they're not trained specifically in taking care of the severely mentally ill.

This amendment that I, oh I'd like to offer an amendment, and I got confused by the order of this, but let me— So as it reads now, the amendment that we already voted on has, calls it a behavioral health facility, and as I said I have never seen a definition for a behavioral health facility. I'm not sure what that means. What this is, is a secure psychiatric facility and so changing the title, I'm changing it back to requiring the secure psychiatric unit to be accredited as a psychiatric facility, which is what it is. And we heard from all sorts of people. It was very moving testimony. But one of the things we heard often was that it is kind of a place in need of an accreditation and somebody overseeing what's going on there because, for example, one of the women who worked there who was a behavioral health nurse, at least that was her title, came in and said that she accepted a position there and resigned four days later. She said that she was really concerned that civilly committed people were de facto prisoners in this facility. And once you're there you have to wait five years in order to get any kind of a hearing to get out. The SPU is currently not a licensed facility. What we need to do is to stop treating the mentally ill as criminals. What happens is that they're brought from the psychiatric hospital and then put into this unit and they can be there for a very long time, with almost no recourse and almost no communication with the outside world. I think we'll all agree that that's a problem. Basically this amendment that I'm putting out is just calling it what it is and saying that that's how it should be accredited as a psychiatric unit and not a behavioral mental health unit, which is nebulous at best. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of amendment 1804s. When we were sued by inmates, we were forced to spend \$35 million, the Holliday suit, to create a secure psychiatric facility. So we spent \$35 million to put that's secure psychiatric facility in place at the prison. I believe that we thought, we, I think the people who were in the Senate and the House at the time, that we did have a secure psychiatric facility because we were in compliance with the decision made in the Holliday suit. If that is not the case then we're not in compliance. So indeed it has to become an accredited secure psychiatric facility. And if indeed that's what we have to do, we have to do it, we have to do it. As I said we are in this mode because of the fact that we were sued by Holliday, we lost the suit, we put the 35 million up, we built the facility and if it doesn't meet those criteria set by the court then we're in trouble. So I think supporting this amendment makes sense. Thank you, Mister President.

(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. I rise in opposition to this amendment because we actually had language with accreditation of two different types of accreditations, because it's basically a hybrid there at the state prison. We have people there that are committed civilly and people that are committed criminally. And so we met with the commissioner and director and they said, you know definitely they can seek accreditation, but not both or the one that is being proposed in this amendment. Let's see, their comments are to the effect that the both are nationally recognized, behavioral health accreditations. We likely could attain the NCCHC sooner than the joint commission because of our existing physical plant. We understand that this is a really, it's a hybrid and accreditation is important because of accountability. But they cannot attain this type of accreditation in this amendment that you're proposing. Because they're not a hospital unit. And we all voted for this 5-0 and of course we changed the purpose statement as well. So this amendment really is a surprise to me. It is moving forward, it is creating accountability of what we just voted on and this I think sets us back. Because they're not going to be able to achieve this level of accreditation. And I think it also asks for, we put back into purpose statement, which we all agreed that we were going to take it out. So with that I would ask my colleagues to vote down this amendment.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, I would just like to rise in reaction. Ironically what I based this on was on an amendment that came before our committee before the final one which was yours. And yours actually did also have the rationale and the reason that that's there is it explains why it's important for it to be a psychiatric facility and not a behavioral health organization. I think we heard over and over that one of the serious problems with it now is that we do have people who were arrested on civil crimes being put in there and not getting out and being treated much less than optimally. So that is part of the reason for making it into a psychiatric unit is so that the accreditation will make sure that it is a facility that does what we say it does. Because otherwise, frankly, we're leaving ourselves open to some pretty serious litigation all over again. Thank you.

(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. And I concur with you, the previous Senator for speaking on this matter, that's why I brought

in both accreditations. That after discussion in our hearings and in talking with the commissioner it was impossible for them to do both, both physically and financially and so we chose the best route, one that is designed for a prison unit. This is a step moving forward, they'll be able to be accredited a lot quicker with what we just voted on and we can address the other issues in future legislation. But right now I don't see that it's going to solve anything if we vote for this amendment, so.

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

SENATOR FULLER CLARK: Senator Hennessey, it's my understanding that you've had a conversation with the prime sponsor of this bill?

SENATOR HENNESSEY: Yes I have.

SENATOR FULLER CLARK: And that he is very supportive of this change and believes that this is the way to go to accomplish what needs to be accomplished, and that there is a time frame up until 2020 for this to be accomplished?

SENATOR HENNESSEY: Thank you very much for the question and that is absolutely true. In fact his words were the bill does absolutely nothing the way they amended it. And the problem is I think we didn't, I at least have to say that I didn't understand at the time exactly what the difference was and why we picked one over the other. It clearly the prime sponsor has said that by using the term psychiatric facility, that would get us the kind of accreditation by 2020 that we need in order to stop the bedlam and to avoid another suit that can cost us an awful lot of money.

SENATOR FULLER CLARK: Thank you.

The question is on the adoption of the Floor Amendment.

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

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.

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).

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1807 as Ought to Pass. This bill clarifies the law relating to financial exploitation of elderly disabled or impaired adults. This bill also establishes a procedure for protective orders for vulnerable adults. Unfortunately the financial exploitation of elderly, disabled and impaired adults is something that is occurring in our state. The Attorney General's Office has been able to prosecute some for this heinous crime, but there is currently some ambiguity in the statutes that makes this difficult. This bill would clarify the statutes to make it clearer for the Attorney General's Office when they are working on these cases. The bill also seeks to establish protective orders for adults which will hopefully cut down on access for individuals that look to financially exploit at risk

groups of people. The Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1807. Thank you, Mister President.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
April 19, 2018
2018-1740s
01/06

Floor Amendment to HB 1807-FN

Amend the bill by replacing section 1 with the following:

1 Financial Exploitation of Elderly, Disabled, or Impaired Adults. Amend the introductory paragraph of RSA 631:9, I(b) to read as follows:

(b) In the absence of legal authority a person knowingly or recklessly through the use of undue influence, harassment, duress, force, compulsion, [or] coercion, ***or under any circumstances where the person knew that the elderly, disabled, or impaired adult lacked capacity to consent, or consciously disregarded a substantial and unjustifiable risk that the elderly, disabled, or impaired adult lacked capacity to consent:***

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2018-1740s

AMENDED ANALYSIS

This bill clarifies the law relating to financial exploitation of elderly, disabled, or impaired adults.

SENATOR DANIELS: Thank you, Mister President. In going through this bill I identified a number of issues that I feel need to be addressed before it's ready for prime time. Number one, and these all pretty much fall under the protective order so that's the section 2 on, the bill for the most part is a cut and paste from the domestic violence statute but without the cleanup that's necessary for the bill to be particularly pertinent to protecting vulnerable adults while preserving the rights of the defendant. Number two, many definitions in the bill are built on presumptions using phrases such as "or could result" and "or had reason to know." Number three, the definition of vulnerable is itself problematic as it states vulnerable means that the physical mental and emotional ability of a person is such that he or she is unable to manage personal, home and financial affairs in his own or her own best interest. Or he or she is unable to act responsibly or unable to delegate responsibility to a responsible caregiver or caretaker. If by definition a person is deemed vulnerable, how then can they be deemed competent enough to make other decisions including whether or not to waive their rights? Number four, upon a showing of an immediate and present danger of abuse, exploitation or neglect, the court may enter temporary orders to protect the plaintiff with or without actual notice to the defendant. The defendant doesn't have to be notified that an order has been entered, you can bet though that if the defendant violates that order, they will be charged. Number five, by forcing the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership and possession of the defendant or any other person on behalf of the defendant for the duration of a protective order before the person has been charged

with a crime. The bill completely suspends a person's second, fourth and fourteenth amendment rights. The defendant can then be forced to pay the storage cost for the firearms that were confiscated. Number six, any act or omission of a peace officer rendering emergency care or assistance is freed from any liability. If the care or assistance they offered is rendered in good faith, but no such provision exists for the defendant. These are all under the protective order from section 2 on. And just to kind of, in a final notation on this to accentuate, I want to read excerpts from a letter I received from someone I know that happens to be an attorney. And this goes to the whole thing of neglect.

My mother lived with me for two years before she was dragged from our home screaming. A probate judge stripped her of all her rights in a "quickie telephone hearing," quote unquote, in which neither I nor my mother who wanted nothing more than to continue living with me was represented in any way. State law theoretically requires that she be represented in that hearing, but she was quote unquote, "deemed to have waived her rights," even though if she was deemed to be incompetent, it's hard to see how she was competent to waive her rights. When she wouldn't stop screaming my name, the hospital pumped Haldol into her until she was rendered a vegetable. Four weeks later I finally got a hearing to return her to the custody of me and my brother. By that time the hospital had rendered her close to comatose. The state subsequently, quote unquote, "found that I had neglected to force my mother to take Zolof against her will." It was subsequently found that Zolof had significant adverse side effects. It took me seven days to find an attorney who would represent me. Even in 1998 the cost was \$5,000. Even if you could get your guns back the loss of your fourth amendment rights can never be restored. And remember this is not just an order that you stay away from another person, it's a complete suspension of your second, fourth and fourteenth amendment rights. All of this is without probable cause, or any crime. Sure, there's an allegation and "a secret hearing of neglect," quote unquote. But if I can be accused of neglect, which we have been, that's a pretty scary standard.

So, the amendment I bring forward, I want, deals with just the first part and that's the financial exploitation, because I understand the issue and I think some things need to be done. The wording that you have before you changes the words that I had talked about objecting to, in my earlier remarks about "or had reason to know" and then we put in "under any other circumstances where the person knew that the elderly, disabled or impaired adult lacked the capacity to consent or consciously disregarded a substantial and unjustifiable risk, that the elderly, disabled and impaired adult lacked the capacity to consent." I have worked with people; this language has been run by the AG and is acceptable and accomplishes what we're looking for. I talked to people who were representing organizations that were pushing for this and they were fine with just going forward in section 1 on the financial part and I think if you can accept that, we can continue to look at section 2 at a later time. But as I said right now, I don't see that it's ready to go forward. Thank you, Mister President.

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

SENATOR SOUCY: Senator, I'm looking at the language in your proposed amendment. By taking out the "or had reason to know," aren't you creating a standard whereby no one would ever be prosecuted?

SENATOR DANIELS: I don't believe so. I believe that the language that is put in here actually is less subjective than what those words were.

Because in the thing that I, and I read to you about the gentleman's experience with his mom, someone thought he had a reason to know. I mean as it turned out he was found to be in neglect when actually the medication that he was dealing with had adverse effects.

SENATOR SOUCY: But what you're trying to establish in this paragraph is the legal standard so having reason to know is something that would have to be established by proof. How in the world is somebody going to be able to prosecute and protect people that are being exploited with the standards you have here without those words in it? I fail to understand that.

SENATOR DANIELS: I don't see that they're any less ambiguous than "had reason to know." In fact I feel that they're a little stronger and take out the subjectivity level.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I too share some of the concerns of my friend from Manchester. That being said, the word "knew" is in line 7, the person knew that elderly, disabled or impaired adult lacked capacity to consent. And there's a second part and it says, "or consciously disregarded." So legislature obviously is presumed not to pass superfluous words so consciously disregarded is a lower mental standard to prove than knew. I think that in light of that, it's a reasonable compromise to move forward on. 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 Giuda, 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, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Soucy, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 2. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order the following bills to Wednesday, May 2, 2018. Adopted.

JUDICIARY

HB 135, relative to the submission of evidence prior to hearings in divorce cases.

HB 476, relative to the duties of registers of probate.

HB 1295, relative to persons held in civil contempt.

JUDICIARY

HB 1288, relative to petitions for annulment.

Interim Study, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1288 be referred to Interim Study. This bill would amend the waiting period required for filing a petition for annulment of a criminal record and would require the denial of a petition for annulment to include written findings stating the basis for denial. Presently, there are a number

of competing bills regarding the annulment of records and the committee stands behind their positions on other bills they passed this session. Passing this legislation would simply muddy the waters. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 1288. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1329, relative to eyewitness identification procedures.

Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1329 Ought to Pass. This bill would require certain law enforcement agencies to adopt a written policy regarding eyewitness identification procedures. This will not only clarify and codify eyewitness identification procedures, but also help to protect innocent citizens from false identifications and wrongful convictions. Human memory can be flawed and easily biased, and the implementation of these procedures will benefit all parties in the criminal justice system. This bill is a common-sense policy for our law enforcement agencies and therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on House Bill 1329. Thank you, Mister President.

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

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.

Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1483 Ought to Pass. And it will surely show my un-high-tech level of technology. This bill adds any technology utilizing wireless entry points or access points to the definition of a communication's common carrier. When individuals use devices that are not provided by a common carrier, like Comcast or Metrocast, they create a private network. These types of devices include everything from a Nest Thermostat to a Wi-Fi enabled baby monitor. I understand that one. As technology has advanced, more opportunities for bad actors have arisen, including the ability to take advantage of the access and entry portals created by those devices. This bill enshrines in law that those access and entry points are protected from wiretapping and eavesdropping. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1483. Thank you, Mister President.

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

HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.

Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1589 Ought to Pass. This bill creates an exemption in the definition of tenancy occupancies, where a caregiver providing care to a person with disabilities, under a written agreement, may be ordered to vacate. This is a sensible expansion of an exemption that already exists for people who own their own homes and bring in caregivers. The bill provides that an inadequate caretaker of a person with disabilities can be removed from their post within three days when needed, but only if the caretaker has consented to the arrangement, has been given three days warning, and

has been fully paid for their work to date. This is an important protection for ensuring adequate caregivers can be brought in to do the work that is needed, while still providing protections for those caregivers. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1589. Thank you, Mister President.

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

HB 1775, relative to the appointment of guardians ad litem in parenting cases.

Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Senate Judiciary

April 17, 2018

2018-1587s

05/06

Amendment to HB 1775

Amend RSA 461-A:16, I(g) and (h) as inserted by section 1 of the bill by replacing them with the following:

- (g) Abuse of the child by one of the parties;***
- (h) The educational needs of the child; and***
- (i) Any other factors the court deems relevant.***

Amend RSA 461-A:16, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) When appointing a guardian ad litem to be paid from a state fund, the court shall establish an hourly rate and a maximum fee for the appointment, which shall not exceed the hourly rate and maximum fee established by court rule for abuse and neglect cases. No funding from a state fund for guardian ad litem fees shall be available to a party whose income is 200 percent or more of the federal poverty level.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1775 Ought to Pass with Amendment. This bill revises the criteria for the appointment of a guardian ad litem under RSA 461-A. The limits of the role of the guardian ad litem, unless they have express authorization from the court. Revises the procedure for determining guardian ad litem fees, and repeals the provision governing Supreme Court standards for non-certified guardians ad litem. The committee amended the bill to add educational needs to the criteria for appointing the guardian and clarified the funding mechanism should the court choose to appoint a guardian ad litem to someone whose income is less than 200 percent of the poverty level. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1775. 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).

PUBLIC AND MUNICIPAL AFFAIRS

HB 1786-L, prohibiting costs for inspection of governmental records under the right-to-know law.

Inexpedient to Legislate, Vote 4-1. Senator Gray for the committee.

Senator Gray moved to Lay on the Table HB 1786-L. Adopted.

TRANSPORTATION

HB 267, establishing the New Hampshire transportation council. Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Transportation

April 18, 2018

2018-1615s

06/01

Amendment to HB 267

Amend RSA 238-A:4, I as inserted by section 2 of the bill by replacing it with the following:

238-A:4 Membership.

I. The council shall have the following members:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of the department of business and economic affairs, or designee.

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

(d) A member of the senate transportation committee, appointed by the president of the senate.

(e) A member of the house transportation committee, appointed by the speaker of the house of representatives.

(f) An individual knowledgeable in transportation technology, appointed by the governor and approved by the executive council.

(g) A member of the New Hampshire College and University Council, appointed by the president of that organization.

(h) Three representatives of the transportation service industry, each representing a discrete mode of transportation, appointed by the governor and approved by the executive council.

(i) Two representatives from regional planning commissions, one of whom shall represent an urban area and one of whom shall represent a rural area, appointed by the New Hampshire Association of Regional Planning Commissions.

SENATOR GANNON: Thank you, Mister President. I move House Bill 267, all aboard, and Ought to Pass with Amendment. This legislation repeals the New Hampshire Rail Transit Authority and establishes the New Hampshire Transportation Council. The Rail Transit Authority is no longer needed due to a lack of projects to manage and needs to be derailed. Work with me... Further, the Transportation Council will examine the growing demand for an alternative transportation options. We don't need to study rail, but the committee amended the legislation to ensure that the Department of Safety is represented and on track with the council. The Transportation Committee asks for you to get on board in the motion of Ought to Pass with Amendment on House Bill 267. 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.

HB 1365, relative to OHRV operation on public ways.

Inexpedient to Legislate, Vote 4-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1365 Inexpedient to Legislate. This legislation amends the requirements for certain use operating an OHRV on a public way, by requiring that a non-family member accompanying the rider be a minimum of twenty-five years old and a family member accompanying the rider be at least eighteen years old. The committee believes that these age requirements are excessive, this legislation would only impact about fifty miles of road in the state. Further, the definition of immediate family member is unclear in today's society, where a family unit can be made up of many different individuals. The Transportation Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 1365. Thank you, Mister President.

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

HB 1428-FN, relative to removal of roadside memorials.

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

Senate Transportation

April 18, 2018

2018-1606s

06/04

Amendment to HB 1428-FN

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

AN ACT relative to roadside memorials.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Roadside Memorials. Amend RSA 236 by inserting after section 110 the following new subdivision:

Roadside Memorials

236:110-a Roadside Memorials. No roadside memorial erected within a right-of-way or adjacent area of any primary or secondary highway at the site of an accident or untimely death shall contain any lighting or reflective tape.

2018-1606s

AMENDED ANALYSIS

This bill prohibits lighting or reflective tape on roadside memorials.

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 1428-FN Ought to Pass with Amendment. As introduced this bill would require the Department of Transportation to remove roadside memorials after a period of ninety days. The committee amended the legislation simply to prohibit the use of lighting or reflective tape on those roadside memorials, since both of these can impair a driver's ability to see, especially at night. Otherwise the committee believes that roadside memorials are permissible and that allowing citizens to remember loved ones who have passed away at certain locations is a traditional gesture. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1428-FN. 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.

HB 1615, relative to speed limits in work zones.

Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1615 Ought to Pass. This legislation modifies speed limits in work zones at the request of the Department of Transportation, so that statutes would reflect current practice. The inconsistency was brought to their attention through litigation regarding a highway crash. The department has been utilizing operational speed limits more and more which state that the speed limit is reduced when a sign is flashing. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1615. Thank you, Mister President.

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

HB 1718-FN, relative to surveillance on the public ways of the state. Interim Study, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSSELL: Thank you, Mister President. I move House Bill 1718-FN be referred to Interim Study. This bill would modify the definition of surveillance as it pertains to highways and would also increase the penalty for a private party who engages in surveillance on highways. Although the committee is supportive of preventing third party companies from selling citizens private information, the committee believes that this bill needs further study in order to understand the consequences including those relating to law enforcement and the investigative industry. The Transportation Committee asks for your support in the motion of refer to Interim Study on House Bill 1718-FN. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

Recess. Out of recess.

WAYS AND MEANS

HB 124-FN, relative to certain aircraft registration fees and airways tolls. Ought to Pass with Amendment, Vote 4-1. Senator Giuda for the committee.

Senate Ways and Means

April 18, 2018

2018-1619s

03/04

Amendment to HB 124-FN

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

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

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

2 Repeal. RSA 422:31, I-II, relative to aircraft registration fees, are repealed.

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

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee shall be based on the maximum certificated gross weight of the aircraft, as follows:

0-3000 lbs.	\$50
3001-8000 lbs.	\$250
8001-12,500 lbs.	\$2,500
more than 12,500 lbs.	\$3,500

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

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees. ~~[provided that 1/4]~~ **Two hundred and fifty thousand dollars** of aircraft operating fee revenues originating at [a] publicly or privately owned ~~[airport]~~ **airports** shall be available **each fiscal year** for public use and shall, upon application, be paid over to the aeronautical fund established for ~~[that airport]~~ **New Hampshire airports** and shall be used for aeronautical purposes.

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

2018-1619s

AMENDED ANALYSIS

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

SENATOR GIUDA: Thank you, Mister Chairman. I move House Bill 124 Ought to Pass with Amendment. This bill attempts to address the exorbitant registration fees for aircraft in New Hampshire which as you may recall this body dealt with last month when it passed Senate Bill 565. The bill before us differs from the Senate version in that it also raises the aviation fuel tax in order to attract and grow the private aircraft industry in New Hampshire. The committee believes the language from Senate Bill 565 is preferable. Therefore the committee amendment replaces all after the enacting clause with the language from the Senate version of this bill. To refresh memories, Senate Bill 565 established a reasonable acceptable level of registration fees and changed the funding scheme to one that is simple and forward looking. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister Chairman.

The question is on the adoption of the Committee Amendment. Adopted. Senators Cavanaugh and Soucy are in opposition to the Committee Amendment on HB 124-FN.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

April 24, 2018

2018-1765s

03/05

Floor Amendment to HB 124-FN

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

AN ACT relative to aircraft registration fees.

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

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

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

2 Repeal. The following are repealed:

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

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

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

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

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

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

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

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

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

6 Applicability.

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

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

7 Effective Date.

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

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

2018-1765s

AMENDED ANALYSIS

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

SENATOR GIUDA: Thank you, Mister President. The House working on this bill has added a clause, several, and specifically what this does is it protects the aeronautics board employees and gives the Department of Transportation a look back. It also says that the amount taken from the general fund to fund any positions in that budget will be reduced by the amount of fees paid for aircrafts registration. Just make sure those monies go towards the Aeronautics Department. So what this does is it lines us up perfectly with the House version that was recently amended. And so we'd have two identical versions of the bill, making a committee of conference not necessary. This bill's been fought very hard over the last year and a half. So I would ask you to concur with the Floor Amendment so we can pass the amended version. Thank you, Mister President.

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

SENATOR LASKY: Thank you, Mister President. Senator Giuda, this does nothing to change the fees that were agreed upon?

SENATOR GIUDA: Not at all.

SENATOR LASKY: Okay, thank you.

SENATOR GIUDA: Thanks for the question.

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

Senators Cavanaugh and Soucy are in opposition to the Floor Amendment on HB 124-FN.

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

Senators Cavanaugh and Soucy are in opposition to the motion of Ought to Pass with Amendment on HB 124-FN.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1415-FN-A from the Table. Adopted.

FINANCE

HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.

The pending motion is Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Giuda, Dist 2

Sen. Gray, Dist 6

Sen. French, Dist 7

Sen. Ward, Dist 8

Sen. Sanborn, Dist 9

Sen. Daniels, Dist 11

Sen. Avard, Dist 12

Sen. Carson, Dist 14

Sen. Reagan, Dist 17
Sen. Birdsell, Dist 19
Sen. Morse, Dist 22
Sen. Gannon, Dist 23
Sen. Innis, Dist 24
April 25, 2018
2018-1791s
05/04

Floor Amendment to HB 1415-FN-A

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

AN ACT making an appropriation to the public school infrastructure fund to improve security in public schools.

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

1 Appropriation; Public School Infrastructure Fund; School Emergency Readiness Program. To improve security in public schools, the sum of \$10,000,000 for the biennium ending June 30, 2019 is hereby appropriated the public school infrastructure fund established in RSA 198:15-y, to provide additional funding to the department of safety, division of homeland security and emergency management's school emergency readiness program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2018-1791s

AMENDED ANALYSIS

This bill makes an appropriation to the public school infrastructure fund to provide additional funding for the department of safety's school emergency readiness program.

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

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

SENATOR BRADLEY: Thank you, Mister President. As I indicated previously, this Floor Amendment would appropriate \$10 million for the biennium ending in June 30, 2019 to provide that \$10 million for school infrastructure and school emergency readiness program. Given the debate that we've had about the need to protect our children. I hope that we can all join together in supporting this appropriation and protecting child safety. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise to just say line 1, I just have an objection to. I've got to say you know to replace this bill, which discussed a death benefit for a school employees killed in the line of duty, to me that was an important thing to do. I have no problem with school safety being something that gets brought to this body at the end of the session, with all the trappings that we have at the end of the session. I'm not going to go into that. But I am, I just have to say a death benefit for school employees is a very reasonable thing to do. I'm just flabbergasted that we're doing one good thing and not willing to do the other. So with that, I'm not sure how to vote on this. I regret it, I wish the sponsors here would see that there is a way to incorporate both.

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

SENATOR SANBORN: Senator, thanks so much for taking my question. Senator, it's my understanding, just so I can provide some context on the amendment, was that based upon the Governor's strong lead of wanting to make sure our schools were safe, we had already made an appropriation to safeen and harden our schools up through a process that actually came through the Fiscal Committee a couple of weeks ago I think, where in the discussions of all the money that we have appropriated, there was discussion that there remains another seven and a half or so plus million dollar potential request on the table to help us really kind of round out and finish that hardening of some schools who didn't get in under the first appropriation. So it's my understanding that our passage of this bill, wouldn't just provide that seven and a half million dollars for schools that have requests today, but provides us a little bit of cushion to ensure that we're taking care of all of our schools around the state for safety. Is that true?

SENATOR BRADLEY: That's correct. I thought I had illuminated that the first time I spoke an hour ago. I didn't go back through the details. I'd be happy to do so, but in the last budget we appropriated almost \$19 million to this purpose. This \$10 million that we're appropriating today, ought to cover all of the requests that you've just illuminated.

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

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

SENATOR HENNESSEY: Why can't you also include the death benefit for the teachers?

SENATOR BRADLEY: I think the Finance Committee voted 4-2 against it. It'd be best served to ask a member of the Finance Committee that question. But I think the top priority here should be as I think you've most eloquently articulated, the need to protect our schools. Now we may have slightly different views of how to do that, but I think we all can agree that having the structures in place that are hardened and will better protect our kids is a worthy appropriation of money.

SENATOR HENNESSEY: I'm not sure that answered the question. Why can't it be both? If you have enough gift, all this extra in surplus and 10 million, why can we not then have money available when a teacher whose job it is to protect children, is killed in the line of duty? It's okay for the policemen but not for the teachers. I just feel that that's atrocious, frankly.

SENATOR BRADLEY: Well, I guess you can vote against the Floor Amendment if that's—

SENATOR HENNESSEY: Yes, but I'd like to know the answer.

SENATOR BRADLEY: It didn't go to a committee I serve on. So I think you'd be best served asking a member of the Finance Committee who felt it should not be an appropriation. I hope we can agree that that \$10 million we can all support. What's in the Floor Amendment.

SENATOR HENNESSEY: So how does this work if I want to ask somebody from the Finance?

PRESIDENT MORSE: No one from Finance has spoken. If someone from Finance wants to answer the question. Senator Hennessey, Senator Daniels wants to answer your question.

SENATOR DANIELS: Thank you. The answer to the question is we felt that the coverage of municipal employee should be handled by the municipality, not the state. Recognizing that you might have teachers that are in a dangerous situation, but that could also extend to someone who is working out at a job site with DPW and we've seen all the incidences where people use vehicles as act of terrorism and run over people so, we're not extending them to the other things but it's left open so the municipalities could cover those individuals if they wish. It's also something that could be included in collective bargaining.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I'm rising in support of the amendment. While I share the concerns of my colleague from District 10 and voiced by my colleague from District 5, that we are losing the rest of the bill and I hope that there'll be another opportunity for us to do that. But here's what we have. We know that there is a demand for additional funding to add safety measures to our schools. I know in my district there are schools who need this money. This is what we can do now, the money is needed, there's a commitment not just by the members who are listed here as sponsors of this amendment, but I believe by all of us, that we want to do what we can. And I appreciate the efforts that are made to bring forward this late in the session the opportunity to provide more funding that our schools districts have told us that they need. Thank you, Mister President.

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

SENATOR BIRDSELL: Thank you for taking my question, Senator. The money that, of the 10 million that is going to go to the schools, can the schools put some of that money aside for the potential violence in the school?

SENATOR BRADLEY: Can I yield to Senator Daniels, who is on the Governor's Commission on that question?

SENATOR BIRDSELL: Sure.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: The answer to the question is no. These schools submit specific projects with a cost and the commission recommends or does not recommend those projects. Those are passed on to the Governor who gives final approval to it. But no, they can't take more than what they're given and put it away for something in the future.

SENATOR BIRDSELL: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the amendment and say this. By eliminating the underlying piece of legislation, you're putting together something that doesn't require an appropriation. It just requires a law, an addition to an existing statute that says if a person, for example a teacher, is killed in the line of duty, they will apply for the \$100,000 that goes through a process. Hopefully that doesn't happen, but indeed that's a protection that we at the state level should be offering people. We've spent \$14 million to protect schools. What does that say about what's happening at the municipal level, what have they spend? And they own the schools. So, we're going to spend, we've spent 14, this is another 10. We're going to spend \$24 million. Worthy, we all want to protect our kids. We all want

to protect our kids. But we're not willing to spend one dollar to protect the teacher who's got to stand at the entryway in front of the shooter and get killed and we give them nothing. We appropriate not a dime. Think of that teacher. Think of that teacher who stood in front of those kids and was murdered to protect those children. The safety features at the door didn't stop the intruder. Nothing stopped the intruder. What stopped the bullets? The teacher who stood in front of the students and died. But we don't care about that today. We say pffft, let's lock the schools. Let's not protect those who have to stand there, and have to, in some instances take their lives to protect those children. I've been a teacher all of my life. All of my life, and I can tell you there are times when I have had to stand there and defend my students. Didn't have any protection except me. Think of the people today, and what's happening in this world today and yet we're not willing, we're not willing to give something to those. We ask a lot, but what are we giving in return? And we are willing to take \$10 million of un-appropriated money, un-appropriated dollars, and we are saying the priority should be an addition to the 14 million that they've already put forth. I would have spent that money a little bit differently. The waiting list, the developmental disabilities waiting list, in the C category has 300 people. They need our help. They could use \$10 million. A lot of people could use X number of dollars. What is the criterion by which this additional 10 million will be distributed? Who's going to get it? Now we know at this point in time that all of the requests basically have been satisfied. I haven't talked to Perry Plummer as to what's left on the list, but we've pushed 14 million out the door to make our schools safer. It seems to me we ought to be thinking about these teachers and doing something on their behalf. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. We don't care about that today. I disagree. We do care about that today. But we feel in the Finance Committee, that an individual school district has full authority to negotiate with its employees. And life insurance is one of those things that can be negotiated. It does involve collective bargaining in some cases. We're not saying no, okay? And I think it's probably inaccurate for the Dean to state that we don't care about that today. There is a process for allocating these funds. It's very specific, applications are made and these are funds which most school districts can't pick up because the capital improvements require magnetic doors and surveillance systems and so forth, stretch most school districts beyond what they're capable of doing. So I fully support this amendment and I fully also support the ability of local school districts to care and protect their teachers as they see fit. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the amendment and would just add some comments to my colleague from District number 2. I mean, a big part of finance, a big part of Finance is sources and uses of money. Trying to make sure that we're appropriating the money to an expenditure of where it should go and I see time and time again this year that I've never seen in my time in this body, that we continue to see requests for legislation, requests for money and appropriations that some would argue aren't a responsibility of this state, that aren't the responsibility of the workers' compensation trust fund or aren't a responsibility of the 3,700 other JL accounts we have money in.

I believe that every single person in this room respects, supports, loves and cares about every person who defends a child including teachers. But our teachers work at school systems, our school systems are part of the municipality. There is ample opportunity, if this is important, and I believe that it is, for those teachers and those unions in their negotiations to go to their municipalities and have this discussion. My concern however like I had started, we're seeing an awful lot of bills come through the legislature this year, and hopefully it's not a trend, where some would suggest it might be far easier to convince twenty-four people to advocate for a position which should be left at the local community, should be left at the county, but issue after issue after issue this year is coming here. So if we are going to be good stewards of the state budget, I think it's important to separate the state obligations from the county or town or municipal obligations, and to my colleague from District number 20, because I know he was tied up and unfortunately could not be at the Fiscal Committee this week, we have to remember that there was a \$20 million appropriation of which 19.8 I think has already been appropriated from the last fund from the Governor, and within that meeting Perry Plummer, if I remember correctly, actually came forward to document that fact there was another \$7.5 million of existing requests today. So what this \$10 million would do as the fine Senator from District number 3 had said, is to make sure we're bringing this point home on the accuracy, is we do have a request for \$7.5 million today of schools today that have things they need to do to keep their kids safe today and passage of this bill would allow them to do that. Thank you, Mister President.

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

SENATOR LASKY: Thank you for taking my question. If ultimately, we were to pass this extra \$10 million, could it be used, or would it, for other things other than specific capital improvements, such as training for teachers, etcetera?

SENATOR DANIELS: No, there are only three things according to laws that we passed regarding this. They can be used for internet connections, not internal but bringing new connections to your school. It can be used for emergency repairs. Let's say that a tree fell through the roof of the building or the boiler went in the middle of winter. And then it can go to security. And I'd say that the vast majority has gone to security. Currently of the 90 million we started out with there are about 44,000 unspent funds. But we have somewhere between 7 and 10 million left in requests that have come in from schools and we're kind of taking them on a first come first served basis as far as that when the money runs out then you know we've got those waiting. That's what this would take care of.

SENATOR LASKY: Just to be clear, because so much of the discussion has been nationally about training teachers, etcetera for to be better prepared for, God forbid, a gunman coming in. This money could not be used for something like that, or could it?

SENATOR DANIELS: I'm going to answer and say that there have been no requests that have come into that regard. That would probably be a determination by Commissioner Edelblut and Perry Plummer, Homeland Security, as to whether that would qualify under the criteria that was set up.

SENATOR LASKY: Okay, thank you.

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

SENATOR SOUCY: Senator, I'm just trying to figure out where this \$10 million number comes from, because I've heard that there are 7.5 million in requests. I'm unclear as to where the other 2.5 million is going to go. Could you perhaps enlighten us? Could you tell me if there are only 7.5 million and could you also tell me if those 7.5 million have all gone through the required security assessment that has to be done by the department first?

SENATOR DANIELS: Any money that's recommended out has to go through the assessment first, they have to have a plan in place. I have not looked today. As of the last time that we met there were between 7 and 8 million I think. If there were 10 million appropriated over there, I have no idea. Others may have come in since we last met that could be also approved. If there was money that was left over that might also go for emergency repairs or internet connections. The purpose of the school infrastructure fund.

SENATOR SOUCY: Senator, my understanding of the language of this amendment, and I'm looking at the statute right here, 198:15-Y, III, there are five criteria, but this amendment limits it to one.

SENATOR DANIELS: I guess if it limits it to one, then it would go for one.

SENATOR SOUCY: The last part of the statute says other school building or infrastructure needs, the Governor in consultation with the Public School Infrastructure Commission may identify except for school building aid projects that are otherwise provided by law. Why wouldn't we allow for that catch all provision to deal with some of the issues that Senator Lasky questioned about, like training for the employees? With new equipment or with new—

SENATOR DANIELS: I was informed that the Department of Safety or Homeland Security is already working on a program for training. So it doesn't have to come out of this fund as I understand it.

SENATOR SOUCY: Thank you.

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

SENATOR WOODBURN: Thank you, Senator Sanborn for taking my question. I know you're a champion of transparency in this building and I appreciate that. Maybe you could help me understand this is, we were handed an amendment today which we hadn't seen until we came in here after lunch. Fourteen Republican co-sponsors, no Democrats. How we should interpret this as being a good bill, a good idea, why wouldn't this be something that would be shared as we share so many other things and work together to get things done? Maybe you could help me understand why that process happened?

SENATOR SANBORN: Senator, thank you for that question, I truly appreciate it. And I think you're absolutely right, I think there have been four amendments I've seen today, that I'd never seen before today. So I'm not sure that this one has any significant differences than any of the other four and we know this time of year that sometimes amendments seem to come pretty quick, and it's been standard operating procedure and I think you yourself had done so on several times and the most important question, Senator I think we should be asking today is, is this good policy? We know at the end of the year that we've spent a tremendous amount of our time and our effort trying to make sure our kids are safe. We also recognize that due to the great work by the Governor's Office

and the great work by the Finance Committee, that our state's in a position that we might be able to help more, and we know there's a need for that. So I think it would be great policy for us to actually knowing that this is going to come upon us today, that we have this robust debate and see how we can help our kids.

SENATOR WOODBURN: Thank you for your answer to the question. So you don't have any concerns it's going to be \$10 million, I don't believe this has been certified, like we needed with family leave, no issues that this got a public hearing, shouldn't have some scrutiny beyond this discussion here on the floor?

SENATOR SANBORN: Senator thank you again, thank you so much for the question, truly appreciate it. When we talk about how we have this public discussion, I would submit to you we have had this public discussion on several occasions. We've been talking about making our schools safe for our kids, it's been a constant discussion we've had in this room for several months now. We also know that these requests have actually gone to the Fiscal Committee of which I am honored and appreciate the opportunity to sit on, by which it is a bipartisan committee that we have continued to review these requests as they've come in. We also know as early as this week, last week, my apologies Mister President, last week in the Fiscal Committee itself we were first alerted to the fact that we did not have the financial resources to take care of the schools at the level that the schools have come in and requested. So I know you, being a teacher, and you know me, coming from a family of teachers, knowing that protecting our kids and making sure our schools are safe are as important as anything you and I have ever done around here. So if we hear about a situation where we know there's a request, we know there's a shortfall, and through good fiscal management of our finance team and of the Governor's Office, we have some funds available, then we turn to the conversation we're having today. Is this a good use of the money? I would submit to you that this is a good use of the money, it's an appropriate use of the money and frankly we should be spending the money on programs like this, because our kids are the most important part. And I know you agree with me, Senator. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I want to see this amendment pass. I think we should get to that. We're not debating the main bill and because I hope there is a point at which this main bill, having to do with school employees and them putting themselves in harm's way, I hope it comes back and I've got to plant just two thoughts, for when it does. One, this wouldn't be coming to this body were it not that other first responders and their death is already prescribed a benefit in state law. There are those benefits. Were it not for that, I think we would not be here talking about spreading this benefit to school employees. Is a school employee a first responder? I've got to plant this story. My wife who was a teacher for many years, Monadnock High School one day a student walks into the cafeteria, carrying a shotgun. Principal Dan Stockwell confronted that student. He emptied the cafeteria while he discussed what the student was doing with that shotgun. What potential harm he could do. He disarmed that student. Now there could have been a lot of different outcomes for Mister Stockwell that day. He put himself in harm's way. He's a school employee. He would be covered by this legislation as would a custodian, as would a teacher, as would any other school employee. Just got to plant the thought, because I feel that's

a debate, I wish we would have had, I wish we would have passed. We're going to move on, we're going to discuss school building aid. It's a good issue. We should deal with it, but we should be dealing with both of these issues, and I hope the time comes that the underlying bill comes back to us and we have that opportunity. Thank you, Mister President.

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

SENATOR HENNESSEY: Are you able to tell us what percentage or what piece of the 7.5 million requests have been requested by charter schools?

SENATOR DANIELS: No, I do not have that information, but I was just given some information that there is \$7,882,495 worth of projects on the waitlist with another \$3 million waiting to be reviewed.

SENATOR HENNESSEY: And they don't tell you what schools they are when they're requesting that?

SENATOR DANIELS: If you look online under School Infrastructure Commission, there is a chart there that lists all the schools that are getting. I don't have the breakdown for them.

SENATOR HENNESSEY: You don't even have a rough idea?

SENATOR DANIELS: No. I believe they are all public schools.

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: Thank you, Mister President. But if any Senator wanted to see what funds have been dispersed and to what schools so far of the 19 million, would it be appropriate for the Senator to look at the Fiscal Committee book from last week which specifically outlined every single school, what every project was for and for every dollar amount and I'm assuming that Mister Plummer and Commissioner Edelblut would probably have the same document for the other 7.8 plus \$3 million on the docket.

PRESIDENT MORSE: I'm assuming your inquiry is correct.

SENATOR SANBORN: 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 Giuda.

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

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

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.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1756-FN-A from the Table. Adopted.

FINANCE

HB 1756-FN-A, relative to a one-time allowance for certain state retirees.

There is no pending motion.

Senator Bradley moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Watters, Dist 4

Sen. Bradley, Dist 3

April 26, 2018

2018-1814s

10/04

Floor Amendment to HB 1756-FN-A

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

AN ACT relative to a one-time allowance for certain state retirees.

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

1 Retirement System; Additional Allowance; Appropriation.

I. An additional one-time allowance of \$500 shall be paid during state fiscal year 2019 to retired members of the retirement system receiving an allowance who are eligible as follows:

(a) The member retired with at least 20 years of creditable service;

(b) The member retired and has been receiving an allowance for at least 5 years prior to July 1, 2018.

(c) The annual retirement allowance of the member on June 30, 2018 is not greater than \$30,000.

II. The additional allowance shall not become a permanent addition to the member's base retirement allowance.

III. The sum necessary to fund the additional allowances granted under this act is hereby appropriated to the board of trustees of the retirement system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2018-1814s

AMENDED ANALYSIS

This bill grants a one-time additional allowance to retirees in the state retirement system. The bill makes a general fund appropriation for the retirement allowances.

SENATOR CARSON: Thank you, Mister President. Some of this might look familiar to you because this was a bill that I filed at the beginning of last year. This is something that the Decennial Commission has as an issue we took up, we discussed and so this is the bill that I filed. And so I just want to run through a couple of things here. It allows for a one-time allowance of \$500 to be paid during state fiscal year 2019, it also requires that the retired person have at least twenty years of credible service, that the person has retired and has been receiving an allowance for at least five years prior to July 1st of this year and that the annual retirement allowance of the member on June 30, 2018 is not greater than \$30,000 and we want to make sure that the additional allowance shall not become a permanent addition to the members base retirement allowance. Thank you, Mister President.

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

SENATOR FULLER CLARK: Senator Carson, could you tell me, is this \$500 acceptable to tax and what would it actually mean then that the individual would receive?

SENATOR CARSON: Thank you for the question, Senator. I'm not sure about whether or not it will be taxed. I can't answer that question.

Recess. Out of recess.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I wanted just to rise to give my thanks to the Senator from District 14 and the Senator from District 3. And I know in particular the Senator from District 14 has worked so hard on this for so many years. And yes it is déjà vu all over again to get this version of it back, but this is good, we do what we need to do, this is going to help I've been informed a vast majority of people who are in the system are making under \$30,000 this is a good thing to do, and I'm really very appreciative to the Majority Leader that we were able to get here today. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the amendment, thank those involved and I want to thank in particular, Ernie Loomis, the non-paid advocate who, Major Loomis, Sir. It's good people like Ernie who work at it and that's what makes New Hampshire a great place, and that's what makes serving worthwhile. Thank you, Ernie. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. There is someone that I would like to thank as well as Major Loomis. I met a gentleman from the city of Manchester a few years ago. He came into a public hearing that were having. And his name was Timer Blaze, and unfortunately Timer died last year at the age of ninety-nine years old. And he was a Manchester City Firefighter, he served honorably for this country during World War II and he came home and every time I would see him, he would always ask me what can we do to help our state, our employees, they need help. They need help. And at ninety-nine years old he would be up here advocating for his fellow retirees. So Mister President, I hope Timer is looking at, looking down on us and I can tell him hey, Timer, we finally got it. So thank you very much, 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.

SPECIAL ORDER

Without objection, the following bills are special ordered to the present time. Adopted.

WAYS AND MEANS

HB 169-FN, relative to limits on wagers in charitable games of chance.
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.

HB 1686-FN, relative to applications for and the use of education tax credits.

REMOVED FROM THE CONSENT CALENDAR

TRANSPORTATION

HB 1614, relative to the international registration plan.

WAYS AND MEANS

HB 169-FN, relative to limits on wagers in charitable games of chance. Ought to Pass, Vote 4-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 169 Ought to Pass. This bill raises the limit on wagers in charitable games of chance from \$4 to \$10. Ten years have passed since the last time the limit was raised. This bill will increase revenue for charities by approximately \$3 million and state revenue by approximately 1.3 million. I ask your support for the motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'm the one. I'm the one. I rise to ask my colleagues to vote this down. The bet originally was \$2, \$2, because it was charity, and \$2 wasn't going to make anybody a problem gambler. Then it went to \$4. Double, and again the charities needed more money and Senator Odell worked diligently to get that 35 percent into law, many charities say they don't get the 35 percent and I think that's highly problematic. Now we have gone from \$4 to \$10. You know what that does to a game, that you can buy in, you can buy in up to \$150? You know what's on the table in some of those poker games? Sometimes \$2,000, sometimes \$3,000. So remember what we're doing. I understand charitable gaming. I think nobody understands charitable gaming more than I, Senator Morse and I, we've looked at it for twenty years. We could have had real gaming, real gaming where the state would have got 35 percent and would have made about \$100 million a year to help out our state. I think charitable gaming is what charitable gaming is and I've said this before, I remember when in Sunday mass they used to say team number 2 will conduct the games and they'll be in the church hall. Remember those days. They don't exist anymore. The church halls are vacant because we have our little casinos now, all over the state. And by the way a casino's going to open up in Berlin next week. They need charity. So I'm asking my colleagues to think about that. I just don't think it's a good idea and we could have had the real thing. We could have had the real thing. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support this bipartisan arrangement to raise the bet from \$4 to \$10. Now I understand it may have been 1973 when we did the \$2 bet, but the cost of charity's more money today. And yes, I hear my good colleague that he's now considering charity gaming to be casinos. Which I'm hoping he starts supporting it if we're going to call them casinos. But they're not casinos. What they are is a way for our communities to raise money to help charities, so they don't come to the state. So the question you have to ask yourself is if we don't recognize the fact there's a couple new gambling facilities in Massachusetts and Maine who have no limits, no limits. You can go down there and truly bet the farm tomorrow. And once those things are up and running and going and I don't know if they are Senator, because I don't gamble. What happens to everyone who's presently supporting our charities today in New Hampshire? They're going to go to Massachusetts. Which means our charity gaming ends. And when our charity gaming ends, what happens? They're coming back to

the legislature. They're going to come see Senator Morse, they're going to come see Senator Daniels and say we used to be able to live on our own, eat what we kill, raise money in these charity games. But now we can't do that anymore. Because the people aren't showing up to play because they're heading down to Massachusetts where there's no limits. At a maximum \$10 bet, compared to driving another thirty minutes for an unlimited bet, that's the risk we have today. Are we as a legislature going to support people who want to be charitable, are we going to support people who want to help our charities without coming to the state, putting more pressure on our resources? This is a reasonable accommodation which will help keep our charity entities reasonably competitive, so we continue to raise money for all those charities which today aren't getting any government help. I think about the coalition on brain injury, which doesn't get any state money. The acts you make today will help them stay out of the state hallways during the Finance Committees. Thank you, Mister President.

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

HB 1673-FN-L, relative to the interest charged on late and delinquent property tax payments.

Ought to Pass with Amendment, Vote 4-1. Senator Daniels for the committee.

Senate Ways and Means

April 18, 2018

2018-1626s

05/04

Amendment to HB 1673-FN-LOCAL

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

3 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his *or her* absence, at his *or her* usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at ~~[18 percent per annum]~~ **6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year** upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

4 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subse-

quent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his *or her* purchase at the tax sale to be included in [his] *the* costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [~~18 percent per annum~~] **6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year** from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

5 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at [~~18 percent per annum~~] **6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year** upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

6 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and

to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of ~~[18 percent per annum]~~ **6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year**, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

7 Effective Date. This act shall take effect April 1, 2019.

2018-1626s

AMENDED ANALYSIS

This bill provides that the interest on delinquent property tax payments shall be 6 percent for the first year, 9 percent for the second year, and 12 percent for the third and any subsequent year of nonpayment.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1673 Ought to Pass with Amendment. This bill sought to change the interest rates charged by the municipalities for delinquent property taxes. The bill as passed by the House would have tied the interest rate charged for delinquent taxes to the annual underpayment rate, determined by the Commissioner at the Department of Revenue Administration based on the rate specified in the Internal Revenue code. The committee came up with an amendment which I am going to ask you to vote down so that I can bring forward another amendment which has bipartisan support as well as the support of the Tax Collector's Association. Thank you, Mister President.

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

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11

Sen. Feltes, Dist 15

April 26, 2018

2018-1805s

05/10

Floor Amendment to HB 1673-FN-LOCAL

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

1 Apportionment, Assessment, and Abatement of Taxes; Interest. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at ~~[12]~~ **8** percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

2 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of [12] 8 percent per annum shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

3 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his *or her* absence, at his *or her* usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at [18] 14 percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

4 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his *or her* purchase at the tax sale to be included in [his] *the* costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [18] 14 percent per annum from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

5 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at [18] **14** percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

6 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of [18] **14** percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

7 Applicability. The interest rate of 8 percent established in sections 1 and 2 of this act and the interest rate of 14 percent established in sections 3-6 of this act shall apply to taxes assessed on or after April 1, 2019.

8 Effective Date. This act shall take effect April 1, 2019.

2018-1805s

AMENDED ANALYSIS

This bill lowers the interest rate charged on late and delinquent property tax payments from 12 to 8 percent and 18 to 14 percent per annum.

SENATOR DANIELS: Thank you. This very simply takes the interest rates which are now set at 12 and 18 percent and lowers them to 8 and 14 percent respectively. We did receive a letter from New Hampshire Tax Collectors Association this morning who said they will support the rate of 8 percent and 14 percent for taxes assessed on or after April 1, 2019. That language on that date has been put into the amendment before you. Look for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I appreciate the effort to reach a compromise on this and I understand that it was a controversial piece of legislation, but this is a reasonable compromise taking the pre-lien down 4 percent, taking the post-lien down 4 percent. I know people want to go further, the House certainly does but I think this is a reasonable compromise and encourage us to support it.

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 the Committee on Finance (Rule 4-5).

HB 1686-FN, relative to applications for and the use of education tax credits.

Ought to Pass, Vote 3-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1686 Ought to Pass. This bill expands the education tax program to allow tax credits earned for donations made under this program to be utilized against the interest and dividends tax. Also removes the cap escalator and caps the program at \$5.1 million. This will open up the program to a new area of donations thus enabling more students to attend schools better suited to their learning needs. I ask for your support in the motion of Ought to Pass. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition to the pending motion. There are two issues that need to be brought up. Number one, based on this existing program, it's important to note that the constitutionality of it is still something that's looming and it's something that I think we need to at least flag for the body before we dramatically expand this program. Certainly some have been helped through it but it's something we need to think about. Number two, based on the way that it's written, people by claiming this interest and dividends at the federal level and by doing this at the state level, in some situations can double count and get a net benefit. Think about that. Some situations you can double count based on the claim at the federal level and doing this at the state level and get a net benefit. That's a little odd. I don't think it's actually what it was intended but that's a fatal flaw in the bill. Wasn't corrected in committee. So what this will do in the end though, is result in our interest and dividends because of that in part, interest and dividends receipts will go down, probably in the order of 3 or 4 million a year for the general fund. There is no offset in the general fund for this, none. So where is the fiscal responsibility in this? I don't think it's here; I don't think it's here. So I don't think this is ready for prime time, I know we say that a lot around here, but this clearly isn't so vote no on this.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support this. If you look this is an initiative that has been here for a long as I have and I haven't been here that long but we started this back in 2010. We tried to recognize that not every family has the means to make sure their kid gets the education that's right for them. So, to provide a little bit of assistance for a family, not on the government back, but encouraging businesses and in this case, what will be individuals, to make that decision that they're going to invest in the kids as well. This is a program that has been so constrained and yet continues to flower just a little bit. Continues to help disadvantaged kids in Manchester, in New Boston, in Berlin. Make sure that they can get some help that they can find some way to make that little educational system work for them. It would be great if every single kid on earth performed identically in every single school. But we know that doesn't happen. So having and supporting a program which will allow us to continue to support the kids of this state who need it most in the educational system, is a worthy thing for us to do. I would ask the body to support this reasonable accommodation whose time is come and is here to my friend in District number 15. And let's take a vote that says we support kids in education. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. To date the total expenditures out of this fund have been about less than half a million dollars, okay? And this is a program that takes people who are also paying property taxes and allows them to put money out of their pocket directly into a fully legislated part of our public-school system. These funds are used according to the director exclusively based on need. This goes to folks in tough districts that don't have the money to put their kids in schools that they think their kids will do better in. This is a total win for everybody, and I would encourage the members of the Senate to please pass this amendment and the bill. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Senator. Can you certify that folks won't double count this and end up with a net benefit under our tax laws?

SENATOR SANBORN: Senator, thank you so much for the question, although you know I've got a couple of decades in commercial banking and finance, I did not stay at Holiday Inn last night, and I am not a CPA or personal financial adviser. That said, this new concept of us having to certify things every single day is a very unique concept that's been happening today. So I can't tell you that I'm qualified as a financial adviser or tax attorney to make a certification per se, but what I can tell you is that creating a program to allow those people that have needs and have some flexibility in their life to support kids that have needs, there are barely much more worthy programs that exist and I'm sure you would agree with that.

SENATOR FELTES: Thank you, Mister President. And because certification is a new standard can you certify that the general fund or our local school districts aren't going to lose money as a consequence of this?

SENATOR SANBORN: Senator, again thank you so much for the question. And the certification thing I don't think is a new standard, I think it's a new marketing term in this room, because it's not about certification, it's about making good policy. So the policy we have to ask ourselves, is this good policy that we're fitting a scholarship program for the kids that need it most, the families that don't have a lot of money to make sure that they can get a good education. To make sure they can find that place where their square meets the square peg in the hole. That's what this is about, Senator. And I know, I know you want what's best for the kids in this state, and I know you know every kid in this state isn't the same, and yet I understand your struggle that you're struggling with a new reality of not assigning kids to their education by zip code. And it's something we discuss on a regular basis around here. But the world is different today, and some kid in a zip code might not be the best school for them. So giving just a tiny little financial scholarship can change their world, and I know you support that, Senator.

SENATOR FELTES: Thank you. Would you believe conceptually but I would, but would you also believe that because we can't certify to the revenue loss, we can't certify to the hit to our schools and we can't certify to the double counting, I can't support this, would you believe?

SENATOR SANBORN: I would believe, so.

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

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

SENATOR SOUCY: Senator it's my understanding that when the Department of Revenue Administration testified, although they were neutral as to the legislation, they pointed out a technical concern which is that the program runs on a calendar year and yet the effective date of this legislation is July 1. Can you tell me why the committee chose not to fix that technical problem?

SENATOR SANBORN: Senator, thank you so very much. We actually looked to fix this problem in the next bill and obviously this is why we're taking up 1686 first and we'll be taking 1819 second so you'll see fixes coming up in 1819.

SENATOR SOUCY: And I don't have the other bill in front of me, so the effective date of the other bill is January 1 of 2019?

SENATOR SANBORN: Senator I apologize I can't answer that on top of my head, 1819 is also July 1, 2018.

SENATOR SOUCY: So would you believe I don't see that as a fix if the program actually does run in a calendar year as pointed out by the department?

SENATOR SANBORN: Senator, thank you very much.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition. I understand that we've got a cap of \$5.1 million, we allow the businesses and through any of their two major revenue sources that they pay to the state to deduct from those in order to fund this program. We have collected maybe \$725,000 a year, that's last year, that's its peak ever. And believe it or not we had money left on the table at the end of the last year, \$15,000 that could have been spent, wasn't spent. So that's our current state. I know that some of us in this room, my colleague to my right, would just as soon we eliminated interest and dividends tax, but you know the real losers in all that are the property taxpayers. So, it's not just a win, win, win here. When we have funds that we can apply to education and we aren't helping support our schools, our public schools, our school districts that are seeing their tax rates go up because we're downshifting costs, on retirement on other things, eliminating stabilization aid. You know we're making choices. I don't think this is a good choice and I don't think that it's a necessary choice for us to be making at this time. I recommend we vote against this. Thank you, Mister President.

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

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

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

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

The following Senators were excused: Daniels.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

TRANSPORTATION

HB 1614, relative to the international registration plan.

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

Senate Transportation
April 18, 2018
2018-1609s
03/05

Amendment to HB 1614

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

AN ACT relative to the international registration plan and relative to registration of semi-trailers.

Amend the bill by replacing all after section 4 with the following:

5 Surety Bonds. Amend RSA 41:6, I-III to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and [23] **RSA 31:23**, trustees as provided in RSA 53-B:8-a, I, library trustees including alternate library trustees, if any, town clerks, tax collectors and their deputies, agents authorized to collect the boat fee, **nongovernmental registering trailer agents appointed under RSA 261:74-t**, and persons delegated treasury functions under RSA 41:29, VI shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

(a) The failure of the officers covered to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions; or

(b) Fraudulent or dishonest acts committed by the covered officers.

II. A blanket bond may exclude the town treasurer if a separate fidelity bond for the faithful performance of his **or her** duties is furnished by the surety writing the blanket bond.

III. Premiums shall be paid by the town, **except that premiums for bonding of a nongovernmental registering trailer agent shall be paid by such agent**.

6 New Paragraph; Expiration of Registration. Amend RSA 261:62 by inserting after paragraph III the following new paragraph:

IV. Multiyear registrations may be issued for semi-trailers in accordance with RSA 261:141, XI. Multiyear registrations shall expire in the anniversary month otherwise applicable under this section in the final year of the registration.

7 New Subdivision; Registrations by Nongovernmental Registering Trailer Agents. Amend RSA 261 by inserting after section 74-s the following new subdivision:

Registrations by Nongovernmental Registering Trailer Agents

261:74-t Registrations by Nongovernmental Registering Trailer Agents.

I. Out-of-state semi-trailer registrations may be issued, renewed, or transferred through nongovernmental registering trailer agents appointed in accordance with this subdivision. Trailer agents shall be residents of and have a verified business address in this state. The director is authorized to limit the number of nongovernmental registering trailer agents appointed under this subdivision based on resource limitations, provided that at least 3 trailer agents are appointed and provided that any limitation established shall not be the basis for revoking any appointment previously made.

II.(a) Each applicant for appointment as a trailer agent shall furnish the following to the department:

(1) Whether the application is an original, renewal, or change of location;

(2) Corporate or business name;

- (3) Trade name, if applicable;
 - (4) Legal address;
 - (5) Mailing address;
 - (6) Telephone number;
 - (7) Business hours;
 - (8) Name, address, and date of birth of at least one owner, partner, or officer, and title, if applicable;
 - (9) Name of the person who will be responsible for filing daily reports;
 - (10) An agreement to notify the department of any change of ownership, address, or corporate or trade name; and
 - (11) Signature and title of the person identified in subparagraph (8) and date signed.
- (b)(1) Upon submission of an application that is incomplete or might indicate lack of fitness or qualification for appointment as a trailer agent, the director or his or her designee shall require an applicant to appear for an interview.
- (2) The director or his or her designee shall inform the applicant in writing of the interview. The written notice shall include the date, time, and location of the interview.
- (3) At the interview, the director or his or her designee shall:
- (A) Explain any discrepancy or concerns to the applicant.
 - (B) Answer any questions that the applicant may have about the process.
 - (C) Allow the applicant to make corrections to the application or address any concerns expressed.
- (4) If an applicant refuses or neglects to appear for a scheduled interview, the director shall deny his or her application.
- (5) If an applicant fails to explain any discrepancy or concerns at the interview, the director shall deny his or her application.
- (c) In order to be appointed as a trailer agent by the director, each applicant shall:
- (1) Complete the application.
 - (2) Complete the training requirements.
 - (3) Complete an interview if applicable.
 - (4) Obtain a surety bond.
 - (5) Agree to allow the director or his or her designee to enter the agent's premises during business hours for the purposes of auditing or verifying compliance with the terms and conditions of this section.
 - (6) Agree to keep current with forms and software as determined by the department.
- (d) Trailer agents:
- (1) Shall furnish registration information concerning vehicle information as the director may require.
 - (2) Collect fees.
 - (3) Issue registrations.
- (e)(1) Each trailer agent shall maintain a record of all trailer registration certificates issued by him or her, including:
- (A) Date of registration.
 - (B) Full name of the registrant.
 - (C) Identifying number.
 - (D) Address and phone number of record.
- (2) The trailer agent shall maintain all records for a period of 15 years.

(f)(1) Prior to being appointed as a trailer agent, each applicant shall complete a training program conducted at the division of motor vehicles, or such other location as the department shall determine.

(2) The training program shall include the following instruction:

- (A) Completing a trailer registration.
- (B) Filing daily reports.
- (C) Collecting trailer registration fees.
- (D) Maintaining records.
- (E) Retaining the agent fee.
- (F) Posting office hours.

(g)(1) If a trailer agent is deficient in any area, the department shall request the trailer agent to undergo retraining.

(2) Depending upon the areas of deficiency, retraining shall consist of one or more of the following:

- (A) Repeat the training program.
- (B) Repeat any portion of the training program.

(C) Undergo further training, the substance of which shall be determined by the department.

(h) Before any appointment shall become effective, each trailer agent shall file a surety bond with the department, pursuant to RSA 41:6.

(i)(1) Each trailer agent shall mail a daily report of nonresident registrations to the department containing:

(A) The physical address and telephone number where the trailer agent is located;

- (B) Period the report begins and ends;
- (C) Number of trailers registered; and
- (D) Amount of registration fees collected.

(2) The daily reports shall be submitted along with all fees due to the department in the form of a check or money order.

(j) Whenever a trailer agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locked file cabinet or other secure container.

III. A nonresident may register a semi-trailer in this state through a nongovernmental registering trailer agent, even if the trailer is not garaged exclusively in this state in accordance with RSA 261:46. Registrations of nonresidents for semi-trailers that are not garaged exclusively in this state shall bear the address of the owner's residence and the address of the nongovernmental registering trailer agent.

261:74-u Fees.

I. A nongovernmental registering trailer agent may collect and retain an agent fee for each registration processed as compensation for processing the registration.

II. The nongovernmental registering trailer agent shall collect and remit to the department the registration fee established in RSA 261:141, XI.

261:74-v Revocation of Agency Status.

I. If the director determines that a trailer agent has not continued to fulfill the requirements of RSA 261:74-t or has violated any of the rules adopted pursuant to RSA 261:74-w, the director shall commence the procedure established in paragraph II.

II. Any trailer agent whose appointment is sought to be revoked shall be afforded the opportunity of a hearing before the director or designee prior to such revocation. Following the hearing, the director may revoke the appointment as a trailer agent upon satisfactory evidence that the provisions of this subdivision have been violated and that the revocation is in the best interest of the state. A written statement outlining the evidence and violations shall accompany the revocation.

III. Upon the revocation of such agency, the person shall surrender to the department or its authorized agent all materials issued by the state under the provisions of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the department, with the approval of the commissioner, determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a nongovernmental registering trailer agent to issue, renew, or transfer registrations, pending a hearing.

261:74-w Rulemaking. The director shall adopt rules pursuant to RSA 541-A relative to application forms for appointment as a nongovernmental registering trailer agent.

8 New Paragraph; Fees; Multiyear Semi-Trailer Registrations. Amend RSA 261:141 by inserting after paragraph X the following new paragraph:

XI.(a) Persons may register semi-trailers for up to 12 years. Multiyear registrations for semi-trailers shall be subject to the following fees:

- (1) One year: \$20.
- (2) Two years: \$40.
- (3) Three years: \$55.
- (4) Four years: \$65.
- (5) Five years: \$85.
- (6) Ten years: \$160.
- (7) Twelve years: \$190.

(b) Semi-trailers owned by nonresidents of New Hampshire registered under this paragraph shall not require a municipal permit for registration and shall not be subject to any municipal fees.

9 Nonresident Registration. Amend RSA 261:46 to read as follows:

261:46 Nonresident Registration. Notwithstanding RSA 261:45, a nonresident who garages a vehicle exclusively in this state ***or who registers a semi-trailer through a nongovernmental agent, whether the semi-trailer is garaged in this state or not,*** may register such vehicle in this state as a nonresident. No exemption from the payment of a permit fee shall be granted by reason of nonresidence except by the director, who shall in all cases require proof satisfactory to him or her of residence elsewhere, and of the liability of a nonresident owner, otherwise entitled to such exemption, to pay a property tax on the vehicle for the current year in the state of his or her residence.

10 New Paragraph; Fees for Registration Permits; Multiyear Registrations. Amend RSA 261:153 by inserting after paragraph VI the following new paragraph:

VII. A resident registering a semi-trailer for multiple years in accordance with RSA 261:141, XI shall, when offering the semi-trailer for registration, pay all permit fees and other municipal fees associated with the registration for the entire multiyear period. Permit fees for the multiyear period shall be determined under paragraph I. If the registration is for 12 years, the permit fee shall be reduced by 10 percent.

11 Inspection of Trailers; Exemptions. Amend RSA 266:1-b, II to read as follows:

II. ***Semi-trailers shall be exempt from periodic vehicle inspection requirements under this chapter if the semi-trailer is fully compliant with the regulations of the Federal Motor Carrier Safety Administration.***

III. The director may authorize properly qualified dealers holding utility dealer registrations to inspect trailers of more than 10,000 pounds gross vehicle weight, to determine whether they are fit to be driven, and

to issue inspection stickers, under rules adopted for this purpose pursuant to RSA 541-A. This section shall not apply to full trailers as defined in RSA 259:37-a ~~or semi-trailers as defined in RSA 259:98~~, and shall not prohibit other official inspection stations from inspecting trailers.

12 Registration Fees. Amend the introductory paragraph of RSA 261:141, III(j) to read as follows:

(j) For ~~semi-trailers or~~ automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

13 Repeal. The following are repealed:

I. RSA 261:141, III(i), relative to registration fees for semi-trailers.

II. RSA 261:141, III(k), relative to registration fees for semi-trailers.

14 Effective Date.

I. Sections 5-13 of this act shall take effect July 1, 2018.

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

2018-1609s

AMENDED ANALYSIS

This bill:

I. Repeals statutory provisions of the international registration plan and authorizes the department of safety to implement the plan through rules that are exempt from RSA 541-A.

II. Authorizes registration of semi-trailers through nongovernmental agents of the department of safety.

III. Authorizes multiyear semi-trailer registrations.

IV. Provides discounts on fees for semi-trailer registrations.

V. Allows registrations through the agents by nonresidents for semi-trailers not garaged exclusively in this state.

SENATOR BIRDSELL: Thank you, Mister President. House Bill 1614, this bill would repeal statutory provisions of the international registration plan and authorize the Department of Safety to implement the plan through rules in order to bring the state into compliance outside the legislative process. As amended the bill would also authorize registration of semi-trailers through private agents of the Department of Safety, authorize multi or semi-trailer registrations, provide discounts on fees for these legislations and allow registrations through the agents by nonresidents for semi-trailers not garaged exclusively in New Hampshire. This amended legislation will bring important revenue to our state and Mister President, on policy alone the Transportation Committee voted in favor of the amendment. This legislation has been stated to have the ability to generate substantial revenue, however there are concerns on the costs of implementing this program. So with that concern, we passed it with the stipulation that it goes to Finance for review. I have spoken with the Chair of Finance and he has agreed to review House Bill 1614. So the Transportation Committee asks for your support in passing House Bill 1614 and moving it into Finance for review. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in opposition to the committee amendment. We've debated this a couple years ago. It's an idea that sets people up who are registering trailers through third party agents in the state of New Hampshire and counter to other state laws. I think it's bad policy, we've debated it

over and over again. And also represents a significant, a significant hit to municipalities. So it's bad policy, it's bad financials, Mister President, I respectfully disagree with the committee amendment and I hope we can vote it down. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I understand if this bill passes it is going to go to Finance to have some discussion, but I think it's important to say, we talk in this room every day about, or some people talk favorably, about our state needs more money. More money, can't live without money, got to have more revenue. Some people want to do it through raising taxes, fortunately there's a little bit of a firewall here that's not in the mood to raise a lot of taxes today. So this is a program, except my good friend from District 7 seems to want to. This is a program that will bring in revenue from out of state. It doesn't affect in state registrations, it doesn't affect in state trailers. This is a program like we see in Maine today that is raising some I think \$15 million a year registering trailers from other states around the country. If we can create a program if we need to recognize that we need to be competitive because other states are being competitive for registration fees and we have that ability to set a program up to try and capture some of the what, two and a half million new commercial trailers sold every year? Shouldn't we try to find that way for people who are in Montana and Texas and Alabama and Massachusetts that we become a vehicle that makes it more affordable to them, long term haulers to register their trailers here which are not as the bill says garaged in New Hampshire, that it becomes a revenue source for us? Or are we going to say let all the other states take the money? Mister President, I ask this body to support passage of this amendment and again I understand it's going over to Finance for some additional review, but if this body wants more revenue without raising taxes, this is a vehicle by which to do it with. Thank you very much, Mister President.

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

SENATOR GANNON: Thank you, Senator. Are you aware that our Transportation Department believes that Maine, which you spoke about and their 19 million that they've brought, they're poaching our money right now, and there's a comedy clause if the other attorneys can help me, that we're supposed to recognize the laws of other states so just like they're poaching our money now, you're asking us to pretty much illegally under the federal laws, poach other states revenue?

SENATOR SANBORN: So Senator, thank you for the question. I'm not sure I agree with your premise. There's no question, I know companies, I know companies in the state of New Hampshire today that are registering their trailers in Maine.

SENATOR GANNON: And are you aware that that's against according to our Department of Transportation, that's in violation of state of New Hampshire laws?

SENATOR SANBORN: Senator, thank you so much for the question. I am not aware of that, but I know if you make the penalty, you've made the cost of business so high, the business community's going to react to that. Just like we hear every single day, we've got manufacturers across this state that say I'm moving my company out of New Hampshire because our electricity bills are too high, our health insurance is too high, our taxes are too high.

SENATOR GANNON: You answered my question I thank you.

SENATOR SANBORN: We hit the business community so hard and they have to find a more affordable place to do it.

SENATOR GANNON: 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 the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bills are special ordered to Wednesday, May 2, 2018. Adopted.

WAYS AND MEANS

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.

HB 1276, adding an exemption for certain raffles conducted by charitable organizations.

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 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.

HB 1819-FN, relative to administration of the education tax credit.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1307, relative to the presentation of a default budget.

TRANSPORTATION

HB 1549, relative to the availability of vehicle accident reports.

HB 1595, relative to the use of the left lane of a multilane roadway.

PRESIDENT MORSE: Don't go anywhere. I just want everyone to understand before we get to final messages, we're going to try to go through Senate and House messages. We'll go slow. Just to help the clerk out over the next week. But next Wednesday all Senators should understand we're going to be here well into the night.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 84, relative to payment of workers' compensation benefits by direct deposit.

Senator French moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

SB 351, relative to managed care programs under workers' compensation.

Senator French moved Concurrence. Adopted.

SB 553-FN, establishing a commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

Senator French moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: Mister President, it is traditionally the policy of this Senate to have committees actually review the messages prior to these recommendations being made and I know this previous committee had not. I wonder if you could tell me if any of the committees actually convened to do that?

PRESIDENT MORSE: Senator it was my assumption every committee ruled on this. So if that hasn't happened, we can stop the process right now.

SENATOR SOUCY: Mister President I can only tell you that it didn't happen for Commerce. I was not consulted on any of these, so that's why I'm asking.

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 D'Allesandro: HB 628-FN

Senator Sanborn: HB 101-FN, HB 124-FN, HB 135, HB 141, HB 169-FN, HB 267, HB 314, HB 317, HB 324, HB 388, HB 407-FN, HB 476, HB 485-FN, HB 500, HB 559-FN, HB 628-FN, HB 1101-FN, HB 1103-FN, HB 1201, HB 1216, HB 1237, HB 1251, HB 1262-L, HB 1276, HB 1288, HB 1295, HB 1307, HB 1329, HB 1332, HB 1340, HB 1361, HB 1365, HB 1411-FN-A, HB 1415-FN-A, HB 1416-FN, HB 1418-FN, HB 1428-FN, HB 1450, HB 1458, HB 1483, HB 1501-FN, HB 1502, HB 1549, HB 1554-FN, HB 1555, HB 1565-FN, HB 1589, HB 1595, HB 1613, HB 1614, HB 1615, HB 1636, HB 1673-FN-L, HB 1686-FN, HB 1700, HB 1715-FN, HB 1718-FN, HB 1756-FN-A, HB 1763-FN-A, HB 1766-FN, HB 1775, HB 1786-L, HB 1791-FN, HB 1807-FN, HB 1809-FN, HB 1819-FN
Senator Soucy: HB 407-FN

ANNOUNCEMENTS

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President, and my colleagues, whom I have the greatest respect and affection for. I wanted you to hear it from me because we all know that things here in this building are not very privileged. I have had the honor and privilege to work in this building for more than twenty years, but it is now time for me to announce my retirement. It's been a difficult decision. I will miss the work.

I will miss the honor and privilege of representing my constituents, and I will miss all of you and staff, and clearly everybody who in all of these buildings have been my family for all this time. So, again, I wanted you to hear it from me because it is buzzing around, I think, and I thank you for all your kindnesses, and I will not be a lame duck Senator for the next week. And, again, thank you.

PRESIDENT MORSE: Thank you, Senator Lasky. I didn't know if I should clap or cry.

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 124-FN, relative to aircraft registration fees.

HB 267, establishing the New Hampshire transportation council.

HB 1329, relative to eyewitness identification procedures.

HB 1340, relative to absences among officers required to be present at school district elections.

HB 1411-FN-A, relative to funds transferred to the nongame species account.

HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.

HB 1416-FN, repealing the prohibition on bottle rockets.

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

HB 1428-FN, relative to roadside memorials.

HB 1450, relative to retention of job applications and personnel files.

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.

HB 1555, relative to participation by the public utilities commission in regional activities.

HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.

HB 1613, relative to operation of uninspected vehicles.

HB 1615, relative to speed limits in work zones.

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.

HB 1756-FN-A, relative to a one-time allowance for certain state retirees.

HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

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 concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 91, relative to the title loan default process.

SB 92, relative to the consumer complaint process at the banking department.

SB 172-FN, relative to non-menace dams.

SB 311, clarifying rules of construction under the New Hampshire Trust Code.

SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators.

SB 323, relative to rehiring of laid off classified state employees.

SB 346, relative to requiring enhanced technology ignition interlock devices.

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.

SB 369-FN, relative to the publication of the rulemaking register.

SB 376-FN, relative to the sale of certain cold medications.

SB 387-FN, relative to liability of governmental units.

SB 388, relative to dispensary locations for therapeutic cannabis.

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.

SB 410-FN, establishing a commission to study creating a boat safe card.

SB 416, relative to transportation network company drivers.

SB 424, relative to property and casualty insurance.

SB 444, relative to cutting timber near certain waters and public highways.

SB 445, designating the Warner River as a protected river.

SB 476, establishing a committee to study reinstituting the unemployed parent program.

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.

SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.

SB 486, establishing a commission to study enhancing the prescription drug donation program.

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

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

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

SB 497-FN, relative to breast-feeding.

SB 501, relative to immunity for campground owners.

SB 522, relative to alteration of speed limits.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 298, relative to the mechanical licensing board.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 390, relative to parties on certain election forms and ballots.

HB 1215, relative to voting on variances.

HB 1265, relative to the release of criminal conviction records.

HB 1473-FN, relative to the timber yield tax.

HB 1577, relative to the administration of anesthesia by dentists.

HB 1661, relative to a marriage petition by a party under age.

HB 1719-FN, relative to donations of liquor to nonprofits.

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.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 71, relative to the law governing alimony.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: K. Rice, Itse, Spencer and Walz

April 25, 2018

2018-1808-EBA

04/01

Enrolled Bill Amendment to SB 170

The Committee on Enrolled Bills to which was referred SB 170

AN ACT relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 170

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 170

Amend the bill by replacing section 8 with the following:

8 Repeal. RSA 38:38, I(b), relative to the definition of areas not served by broadband, is repealed.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1819-EBA
04/01

Enrolled Bill Amendment to SB 429-FN

The Committee on Enrolled Bills to which was referred SB 429-FN

AN ACT establishing a consumer services program within the insurance department.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 429-FN

This enrolled bill amendment inserts a contingency to avoid a numbering conflict with HB 1379 of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 429-FN

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

2 Contingency. If HB 1379 of the 2018 regular legislative session becomes law, then RSA 400-A:15-e, as inserted by section 1 of HB 1379, shall be renumbered as RSA 400-A:15-f.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1801-EBA
06/04

Enrolled Bill Amendment to SB 482-FN

The Committee on Enrolled Bills to which was referred SB 482-FN

AN ACT relative to confidential emergency medical and trauma services data.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 482-FN

This enrolled bill amendment makes a technical change.

Enrolled Bill Amendment to SB 482-FN

Amend RSA 153-A:35, I as inserted by section 2 of the bill by replacing line 10 with the following:

part 160 and part 164. This shall include the requirement that all proposed releases of emergency

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1812-EBA
06/03

Enrolled Bill Amendment to HB 1322

The Committee on Enrolled Bills to which was referred HB 1322

AN ACT relative to risk-based capital for health maintenance organizations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1322

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1322

Amend section 2 of the bill by replacing line 3 with the following:

III-a. A health organization's RBC shall be determined in accordance with the formula set

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1818-EBA
03/05

Enrolled Bill Amendment to HB 1564-FN

The Committee on Enrolled Bills to which was referred HB 1564-FN

AN ACT relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1564-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1564-FN

Amend RSA 632-A:2, I(n)(1) as inserted by section 1 of the bill by replacing line 4 with the following:

psychiatric unit, [or] **a** juvenile detention facility [~~where the actor is employed~~], **or any other setting**

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2018
2018-1653-EBA
10/08

Enrolled Bill Amendment to HB 1593

The Committee on Enrolled Bills to which was referred HB 1593

AN ACT authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1593

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1593

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

AN ACT authorizing a school district meeting to adopt an article authorizing the trustees of trust funds to charge certain expenses against capital reserve funds.

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The school district meeting may adopt an article authorizing the trustees of trust funds,

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 7 with the following:

funds as expenditures out of capital reserve funds.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2018
2018-1797-EBA
06/04

Enrolled Bill Amendment to HB 1720-FN

The Committee on Enrolled Bills to which was referred HB 1720-FN

AN ACT relative to the storage of beverages produced by contract brewers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1720-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment t HB 1720-FN

Amend RSA 178:12, XI as inserted by section 3 of the bill by replacing line 6 with the following:

with the commission.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1811-EBA
03/10

Enrolled Bill Amendment to HB 1808

The Committee on Enrolled Bills to which was referred HB 1808

AN ACT repealing certain inactive dedicated funds.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1808

This enrolled bill amendment makes a technical correction and adds gender-neutral modifications.

Enrolled Bill Amendment to HB 1808

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 7 with the following:

or persons chargeable with his **or her** support, are able to pay only a part of such expense, the

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 17 with the following:

treatment and rehabilitation of any of his **or her** clients, or clients of a certified substance abuse treatment

Amend RSA 21-P:21 as inserted by section 9 of the bill by replacing line 1 with the following:

21-P:21 Civil Penalties[~~Revolving Fund~~]. Any person who violates any of the provisions of this

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 1719-FN, relative to donations of liquor to nonprofits.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

HB 523, establishing a committee to study the use and regulation of biometric information.

HB 1247, relative to administering oaths to certain state officers.

HB 1289, relative to trespassing domestic fowl.

HB 1331, relative to incidental uses for agricultural plates.

HB 1335, relative to the cybersecurity software used by the state of New Hampshire.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.

HB 1401, relative to the New Hampshire accountancy act.

HB 1407, repealing the prohibition on the use of milk containers.

HB 1484, relative to late fees in manufactured housing parks.

HB 1499, relative to the focus and components of New Hampshire kindergartens.

HB 1606, relative to naturopathic health care practice.

HB 1623, relative to criteria for debarment of vendors.

HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.

HB 1660, relative to delinquent accounts of liquor licensees.

HB 1665, relative to the authority of the governing boards of allied health professionals.

HB 1684, relative to criminal background checks for emergency medical services license applicants.

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.

HB 1698-FN-LOCAL, relative to the cost of special education services for foster children.

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 1777-FN, relative to energy infrastructure corridor revenue.

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

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.

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.

SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.

SB 316, relative to the regulation of online auctions.

SB 319, relative to exempt securities.

SB 320, relative to checklists used at elections.

SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.

SB 332, relative to medication synchronization.

SB 341, relative to the veterans' property tax credit for service-connected disability.

SB 348, relative to senior-specific certifications or designations for securities broker-dealers.

SB 356, adding a representative from the community college system to the apprenticeship advisory council.

SB 363, prohibiting political expenditures by foreign nationals.

SB 367, relative to public utilities commission review of group host agreements.

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.

SB 389, relative to administrative fees on restitution.

SB 396-FN, relative to gold star number plates.

SB 417, relative to days of rest for employees of recreation camps and youth skill camps.

SB 428, relative to the payment of weekly and biweekly wages.

SB 455, relative to state employees injured in the line of duty.

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.

SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.

SB 504-FN, relative to sales of tax-deeded property.

SB 505, requiring abutter notice of the construction of a crematory.

SB 511, establishing an optional tax credit for combat service.

SB 515, relative to commemorative license plates.

SB 519, relative to the purchase of property for the construction of roads.

SB 533-FN, relative to the composition and compensation of the personnel appeals board.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 410, relative to the legislative youth advisory council.

HB 1252-FN, relative to certificates of insurance.

HB 1256, relative to decal fees for multi-use veterans decal plates.

HB 1258, relative to the advanced manufacturing education advisory council.

HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.

HB 1304, relative to the authorization for forensic audits by a county convention.

HB 1378, relative to domestic insurance company investments.

HB 1389, relative to commercial lines modernization.

HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.

HB 1453, relative to the traffic safety commission.

HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.

HB 1474, designating the New Hampshire Red as the official state poultry.

HB 1533, relative to termination of variances and special exceptions.

HB 1551, relative to the retention of records of individualized education programs.

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 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.

HB 1599, relative to the governor's commission on disability.

HB 1622, relative to organization of the department of information technology.

HB 1638, declaring April 28, 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 1674, relative to computer science and digital skills required for an adequate education.

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

SB 315, relative to the definitions of beverage and of mead.

SB 333, relative to pharmacy interns and vaccinations.

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.

SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.

SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.