

SB 436, relative to tuition in the community college system.

SB 442, relative to surety indemnification requirements for private post-secondary career schools.

SB 469, relative to the appropriation of funds from the equipment inventory fund.

SB 470-FN, relative to positions within the insurance department.

SB 474, establishing a committee to study group home rate parity.

SB 484, reestablishing the commission to address child hunger in New Hampshire.

SB 516, prohibiting motorcycle-only checkpoints.

SB 517, establishing an electric vehicle charging stations infrastructure commission.

Senator Avarð moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

May 2, 2018

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

The Reverend, Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Let us pray.

God, on this amazingly beautiful day we are reminded of who you are, and your goodness to each one of us. God, I'm also mindful of our Senators' work; the tireless work for the betterment of the population of our citizen residents of New Hampshire. As we're coming to the end of this session, this season, we might be feeling a little tired; but God give us the strength today to continue to contend for what is right, continue to contend for what is good for our population, that New Hampshire would prosper. God, I pray for clarity of mind, conviction of heart, and the unity of spirit, in Jesus' name—my apologies—in the name of the Father. Amen.

Senator Feltes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Watters for an introduction.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. It is my privilege and pleasure to introduce Gerri Cannon, a constituent and a dear friend who is the at-large member on the School Board in Somersworth. Welcome.

(The Chair recognized Senator D'Allesandro for an introduction.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Today I'm pleased to introduce a group of young political leaders from Macedonia. The crew from Macedonia. Avanti. Come up so people can see you. They're visiting New Hampshire as part of an exchange through the American Council of Young Political Leaders. I had the opportunity to meet with them over the weekend and was so impressed with all of them. One of

whom is a Member of Parliament, there's a mayor and a couple of city councilors. We got the whole base covered. We got them all covered. All are under thirty-five years of age. That's a killer. Welcome.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would like to request, because of the heat of the afternoon that we allow the gentlemen in the chamber to remove their jackets.

INTRODUCTION OF PAGES

(The Chair recognized Senator Birdsell for an introduction.)

SENATOR BIRDSSELL: Thank you, Mister President. I'd like to introduce our pages from Pinkerton Academy. First we have Catherine McCarthy. She's seventeen years old, eleventh grade she's from Hooksett, New Hampshire and she attends Pinkerton Academy. Go Pinkerton. Her favorite subject is math, her extracurricular activities as student council, dance, and she's a regular volunteer at the Hooksett Community Food Pantry. In the future she'd like to go to college for political science. So can I have a round of applause for Catherine.

And we also have Cole Fournier also from Pinkerton. He's seventeen, in the eleventh grade and hails from Chester, New Hampshire. His favorite subject is Chemistry or U.S. History. He's the President of the World Affairs Council in which they discuss politics and study topics like NAFTA. He is the vice president of Model U.N. and he's on the varsity math team and he's also a member of the student council. In the future he plans to study for his Master's or PHD at an Ivy League Institution or educational equivalent. After that he would either enter academia, join a scientific industry or enter politics in some way. So welcome.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 84, relative to payment of workers' compensation benefits by direct deposit.: Nonconcur with the House Amendment; Requests Committee of Conference. Adopted.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 351, relative to managed care programs under workers' compensation.: Concur with the House Amendment. Adopted.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by this body on 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.: Nonconcur with the House Amendment; Requests Committee of Conference. Adopted.

PRESIDENT MORSE: The bills that we reconsidered by Senator Soucy will be ordered to be taken up at the appropriate time with the additional committee work.

SPECIAL ORDER

Without objection, all bills in the following committees are special ordered to Thursday, May 3, 2018. Adopted.

ENERGY AND NATURAL RESOURCES

HB 114, relative to minimum electric renewable portfolio standards.

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

HB 1233, preempting local regulation of seeds and fertilizer.

HB 1402, relative to ordinances regarding forestry activities.

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

FINANCE - CALENDAR 19

HB 1104-FN, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.

HB 1316-FN, relative to revenue collected from concealed carry licenses.

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services and making an appropriation to the department of business and economic affairs for relocation costs.

HB 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.

HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services.

HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.

HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs.

HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

FINANCE - ADDENDUM CALENDAR 19A

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

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

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater and surface water.

HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.

HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern."

HB 1565-FN, requiring the secure psychiatric unit to be accredited as a behavioral health facility.

HB 1614, relative to the international registration plan and relative to registration of semi-trailers.

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.

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

HB 1817-FN, establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; and relative to the inclusion of a demographic analysis as part of the legislative fiscal note process.

HEALTH AND HUMAN SERVICES

HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

HB 1562-FN, relative to the role of foster parents.

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.

HB 1816-FN, relative to Medicaid managed care.

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

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

HB 1238, by Senator Giuda

HB 1515, by Senator Woodburn

HB 1550, by Senator Bradley

JUDICIARY

HB 1313, by Senator Daniels

PUBLIC AND MUNICIPAL AFFAIRS

HB 1392, by Senator Gray

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.

ENERGY AND NATURAL RESOURCES

HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.

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

This bill is a housekeeping measure to correct an omission that occurred during the re-write of RSA 437 (Sale of Pets and Disposition of Unclaimed Animals) during the 2017-2018 budget process. This bill adds back the requirement that all shelter facilities have a microchip scanner on site and shall maintain a list of recognized pet retrieval agencies.

HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment.

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

This bill establishes a committee to study the Public Utilities Commission's role and scope of duties in a deregulated environment. The committee believed it best to blend the duties of the proposed study committee into HB 1796, which renames and restructures the duties of the current Legislative Oversight Committee on Electric Utility Restructuring.

HB 1796, relative to the legislative oversight committee on electric utility restructuring.

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

This bill renames and redefines the goals of the Legislative Oversight Committee on Electric Utility Restructuring. This committee has met regularly since its inception to review the progress of New Hampshire's effort to restructure its electricity industry. The bill maintains the existing committee and alters its duties to ensure

oversight of the transformations expected from grid modernization. This amendment further expands its duties to examine the Public Utilities Commission's role in a deregulated market.

Energy and Natural Resources

April 25, 2018

2018-1798s

06/05

Amendment to HB 1796

Amend RSA 374-F:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The committee shall provide an interim report on or before April 1, and an annual report on or before November 1 to the governor, the speaker of the house, the senate president, the state library, and the public utilities commission on ~~[the status of electric utility restructuring, including the status of core energy efficiency programs monitored under RSA 374-F:6]~~ ***activities before the public utilities commission and other cognizant state agencies in regard to evolving changes in the provision of electric services to New Hampshire customers, including modernization of the electric grid, development of technologies for electric storage, electrification of transportation, the growth of distributed generation, the commission's role in a deregulated market, and such matters as may arise that may present opportunities to improve the delivery of electric services or to reduce cost.***

HEALTH AND HUMAN SERVICES

HB 1261, relative to record management of abuse and neglect reports. Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill revises the retention requirements for founded, unfounded, unfounded but with reasonable concern, and screened-out reports of abuse and neglect. Under this bill, screened-out reports would be held for 4 years, unfounded held for 10 years, unfounded but with reasonable concern held indefinitely and founded held indefinitely. This bill is similar to Senate Bill 63, which the Senate already has passed. This will be another step forward in ensuring we do what is best for New Hampshire families.

JUDICIARY

HB 1373, relative to an individual's property right in his or her DNA. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would declare that an individual's genetic information and DNA sample are the property of the individual. This is an important issue to address, however the language is confusing and there is potential that this will lead to negative unintended consequences regarding law enforcement investigations.

HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

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

The bill as amended establishes a committee to study the emancipation of minors. The Committee amended the bill to remove the automatic emancipation of minors by marriage, as the issue of emancipation needs to be examined as whole.

Senate Judiciary
April 9, 2018
2018-1404s
05/06

Amendment to HB 1377

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

AN ACT establishing a committee to study the emancipation of minors.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amend the bill by replacing section 2 with the following:

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

2018-1404s

AMENDED ANALYSIS

This bill establishes a committee to study emancipation of minors.

HB 1404, relative to the competing harms defense.

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

This bill would amend the statute regarding the defense of competing harms, which allows the defense the ability to argue that not acting would be worse than following the law. This is currently allowed in rare cases at the judge's discretion, but this bill would unnecessarily broaden the scope of the statute to any case. Therefore, the Committee supports the motion of Inexpedient to Legislate.

HB 1467, relative to the penalty for driving after revocation or suspension.

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

This bill would modify the penalty for driving after revocation or suspension. Due to the seriousness of a DWI conviction and the subsequent revocation or suspension of a license, it is essential to maintain this penalty within the statute in recognition of the significance of the charge.

HB 1537, relative to a second opinion on health care matters for state or county prisoners.

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

This bill would permit state and county prisoners to have a second medical opinion from a licensed health care provider. The Committee had significant concerns regarding the inequity this would create due to prisoners' different financial capabilities and the day-to-day application of the law. Therefore, moving this bill interim study will allow those concerns to be examined.

HB 1586, relative to judicial review for underage marriage.

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

This bill prohibits the court from granting permission for a marriage involving a minor if the other party, except for the marriage, would be guilty of sexual assault. Essentially, this will enshrine in law that if sexual contact between two parties seeking to be married would otherwise be sexual assault, the marriage will not be granted.

HB 1587, relative to the minimum age for marriage.

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

This bill requires a person to be at least 16 years of age to marry. Currently, NH treats men, women, and same-sex couples all differ-

ently in terms of marriage age laws. This establishes one age for all marriages and reinforces the gravity of the decision to marry in regards to our younger citizens.

HB 1774, relative to parenting plans and relocation of a child's residence. Ought to Pass, Vote 5-0. Senator French for the committee.

This bill requires parenting plans to include a detailed parenting schedule, revises factors for determining the best interests of the children, and revises the statutory criteria governing relocation. These added requirements will add clarity to these proceedings and help to eliminate contention in these potentially emotionally charged situations.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1294, relative to religious societies.

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

This bill repeals certain obsolete statutes relative to the powers and authority of religious societies. The bill also repeals the majority of RSA 307, relative to pew ownership and the sale and repair of meetinghouses.

Public and Municipal Affairs

April 25, 2018

2018-1775s

05/08

Amendment to HB 1294

Amend the bill by replacing section 6 with the following:

6 Repeal. The following are repealed:

I. RSA 306:2, relative to taxes raised by religious societies.

II. RSA 306:3, relative to donations to religious societies.

III. RSA 306:5, relative to joint donees.

IV. RSA 306:6, relative to parsonage land.

V. RSA 306:10, relative to limitations on donations as church income.

VI. RSA 307:1-6 and RSA 307:8-9, relative to the sale of meetinghouses.

VII. RSA 307:10-20, relative to the repair, alteration, and removal of meetinghouses.

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

Recess. Out of recess.

REGULAR CALENDAR

COMMERCE

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.

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

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to address the motion of Interim Study as the bill came out of the Commerce Committee. I'd like the body to understand that we made the decision to bring the bill out as an Interim Study basis, so we could actually bring forth an amendment, because we didn't want you to pass or kill the bill as it came out. So I'd ask the body to turn down the motion of Interim Study so I can make a further motion of Ought to Pass and introduce an amendment. Thank you very much, Mister President.

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

Senator Sanborn moved Ought to Pass.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9

May 2, 2018

2018-1871s

04/10

Floor Amendment to HB 1100

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Commission to Review and Evaluate Workforce and Job Training Programs in New Hampshire. Amend RSA 273 by inserting after section 27 the following new subdivision:

Commission to Review and Evaluate Workforce and Job
Training Programs in New Hampshire

273:28 Commission Established.

I. There is established a commission to review and evaluate workforce and job training programs in New Hampshire. The purpose of the commission is to review and evaluate all government funded workforce and job training programs in New Hampshire to ensure that they are effective, not duplicative, and that they are contributing to the needs of the workforce and the labor market.

II. The commission shall consist of the following members:

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

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

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

(d) The commissioner of the department of education, or designee.

(e) The commissioner of the department of employment security, or designee.

(f) The chancellor of the community college system of New Hampshire, or designee.

(g) One member of the public, appointed by the governor, who shall be appointed from a list of 5 nominees from organized labor consisting of one from each of the following: New Hampshire AFL-CIO, New Hampshire Building Trades Council, AFT-New Hampshire, NEA-New Hampshire, and the State Employees' Association of New Hampshire.

(h) One member representing the National Federation of Independent Businesses, appointed by that organization.

(i) One member who owns an automobile dealership in New Hampshire, appointed by the governor.

(j) One member representing the manufacturing industry, appointed by the governor.

(k) One member representing the New Hampshire Lodging and Restaurant Association, appointed by the association.

(l) One member representing the Associated Builders and Contractors, appointed by that organization.

(m) One member representing the New Hampshire Nurses Association, appointed by the association.

(n) One member representing the New Hampshire High Technology Council, appointed by the council.

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

IV. The commission shall:

(a) Receive testimony and request data from each state agency that administers a workforce or job training program funded in the state budget.

(b) Receive testimony from individuals who have participated in such programs and determine if the program satisfied their needs and expectations, and review the data to determine the cost per enrollee in each program.

(c) Review the occupations each program is training individuals to perform and determine if there is overlap in training.

(d) Review methods of achieving more successful outcomes and promote such programs to increase public awareness.

(e) Review opportunities to direct enrollees into occupations facing a shortage of workers in the state.

(f) Study existing job training programs to determine the efficiency of the program, the cost per job resulting from a job training program, an analysis of job retention rates for individuals obtaining jobs through a job training program, the historical results of such programs, and a comparison of the costs and results of government-funded and privately-funded job training programs.

(g) Review and make recommendations on the consolidation of the following job training programs, and any other job training program, into one comprehensive job training program that will meet the needs of the public and New Hampshire employers, and determine the cost savings, if any, from such consolidation:

(1) Department of health and human services, division of family assistance, accounting unit 05-95-45-450010-6127-employment support program.

(2) Department of health and human services, Supplemental Nutritional Assistance Program, employment and training.

(3) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6031-apprenticeship training program.

(4) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6030-career and technical education/vocational education (CTE/VOC ED-State).

(5) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6032-career technology education/vocational education (CTE/VOC ED-Perkins).

(6) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-4095-Youth Title I-Workforce Investment Act.

(7) Department of education, division of career technology and adult learning, 7004-adult education.

(8) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-2538-vocational rehabilitation field programs match.

(9) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-2539-supported employment, Title VI-C.

(10) Department of safety, fire standards and emergency medical services training courses under RSA 21-P.

(11) Department of employment security, job training funds from the department of health and human services.

(12) Department of business and economic affairs, job training program for economic growth pursuant to RSA 12-O:30-37.

(13) Police standards and training council training programs pursuant to RSA 106-L.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the 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.

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

SENATOR SANBORN: Thank you, Mister President. I'll do my song and dance while I wait for the amendment. Here it is. Thank you very much. Mister President, and members of the body, we all understand that workforce training is very important to us, and it's something that this body has always supported although there have been some questions relative to whether we should look at it and if we do look at it, how do we look at it. So the bill as it came from the House had five Senators, I'm sorry five House Reps, two Senators, a lot of commissioners but really no one that actually does workforce training and no entities that actually derive the benefit from workforce training. So before you you'll see an amendment that reconstitutes the committee to put people on there, for example, from the community college system that does training, from people in several different industries that actually have had a benefit of workforce training. What we're really trying to do with this amendment is to actually look at all of our workforce training programs to see which ones are successful, to see which ones although may be well intended, but maybe they haven't been so successful and we need to rein them in. Now Mister President, you might know that we've had discussions on several occasions as to how many workforce training programs we have in New Hampshire and we've always kind of bounced around to what the numbers are, but my good friend who lives in Milford, actually finally coughed up his report and I appreciate the work that he did so I just want the body to know quickly. These are the existing job training programs we have being funded by the state of New Hampshire.

Over at Health and Human Services, we have a TANF job training program that we spend \$8.6 million on, in Education, we have an apprentices training. We spend \$600 million on that provides curriculum coordination development of apprenticeships programs. We happen to have another education apprentices training program that we spend \$239,000 a year on for electrical machinists. We have a CTE, VOC Ed program we spend \$2 million on a year, between Pathways and Seamless Transitions for secondary career. We have a youth Title 1 WIA program we spend \$1.6 million on a year. We have an adult education program we spend \$5 million on a year. We have a VOC rehab field program that we spend \$250 million a year. We have a supportive employment title 5C program we spend \$300,000 on a year. Over in Safety, Mister President, Fire Standards and Emergency Medical Services has a training program we spend \$7.3 million on. At Employment Security we have yet another job training program we spend \$125,000 on. Over at DRED, is it still named DRED, Mister President? We have a job training program we spend \$2 million on a year, and that's under RSA 1258. Also our Police Standards and Trainings Mister President, we spend another \$3.5 million a year. So this totals the fact that today in our government we have thirteen individual job training programs that we're spending just shy of \$34 million a year

for. And I'd point out to the body, that in addition we spend another \$3 million bringing the total to just under \$37 million a year Mister President, on thirteen different job training programs. So what this amendment looks to do is to actually bring forth a committee, finally, to look and consider all of these programs and their efficacy and whether or not it's a good use of the people's money and how we might be able to use the money better. So with that I would submit to the body Amendment 1871 and ask for the body's approval. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. Senator, I'm sure you're aware that the bulk of these programs are federally funded, that they have very intensive reporting and evaluation requirements that they've been found to be cost effective return on investments. My question is, why not just read those reports and then move forward? Why do we have to form a commission to read the reports that they already do?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. Being past Chair of the Commerce Committee, I have never seen a report on efficacy of any of these programs, and I'll point out to you, Senator, that of the \$37 million in programs we have, only \$13 million of it actually comes from federal funds, 8.8 million comes from the general fund and just under \$12 million comes from other funds. So Senator, I agree with you. Because I got the report. I agree with you, at some level each of these job training programs should have some sort of accountability for the taxpayer, and what we're hoping through this commission is to look at them and actually set some standards up.

SENATOR FELTES: Are you aware that the demand for job training public-private grants to skill up workers to fill available positions far exceeds available resources in the state of New Hampshire right now?

SENATOR SANBORN: Senator, thank you so much for the question. I would remind the good Senator that this is not a question as to whether or not we should be having or doing job training programs, I think everyone is supportive of it. But knowing as you have indicated that financial resources are limited, even though we're spending almost \$40 million a year on all of these programs, that I think it's important for us and for the legislative body to look at these programs and see if they're being effective, because if a program isn't working maybe it's our time to have that policy discussion, that we move the money towards another program or create another type of a program. I know you yourself have introduced several over the years. So again, this is not meant to discredit or look negatively at any of the programs, it's actually kind of our time to kind of look at the programs in general to see which ones are working and which ones might need some help.

SENATOR FELTES: Thank you.

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

SENATOR WATTERS: Thank you, Mister President, and thank you, Senator for taking my question. I wanted to take a look for a moment with you on page 2, lines 25 to 29, which say review and make recommendations on the consolidation of the following job training programs, and you have them listed here. Now I note in particular that the list includes the WIOA program that is funded by federal funds and under

their own standards as a discrete entity. So are you aware of the fact that we would not be, it would not be allowed under statute for us to consolidate these?

SENATOR SANBORN: Senator, thank you so much for the question. Exactly the reason we're charging a commission to look at all of these programs holistically. We know there are many programs throughout the state that use both general and federal funds. There are other programs that only use federal funds. And clearly if there are specific restrictions that federal funds couldn't be used in a cross pollination act, I completely understand. And again, this amendment is not, is specifically not designed to create a policy consideration. This is an amendment to make a commission to look at all of these different job training programs and basically do what I would assume you would do, just take the assessment, see where we are and what ultimately might make some recommendations that make it all better.

SENATOR WATTERS: Thank you. So you know, I guess it's my own curse to pay attention to words. But it was my career. If you knew that one could not consolidate the WIOA programs, why would your bill say that the commission is supposed to make recommendations on consolidations?

SENATOR SANBORN: Senator, thank you so very much. So words do matter. And I agree with that even though, you know I joke regularly that literacy is a worldwide epidemic, I read this part of the statute as a charge of the commission to make recommendations as they do in every single report they do. Now their recommendation may well be we can't consolidate any of these programs. Their recommendation might come back and say they all stand up on their own two feet, they all are incredible use of the money and our average cost per job is lower than the national average and everything is great. But it also might come up and say look, there are a couple other job programs that maybe we could consolidate functions, save the taxpayer a little bit of money, re-allocate the money to a program that's working, and literally that's all this program's really looking to do, is to take a look at all the programs we have, because remember we had long debates in this room relative to how many programs we had and obviously now we have some list of some of them. The question just is what one's working, what one's not working, can we make it work better, should there be some consideration for consolidation or not. We should always look at everything government does, Senator, to see if there's a better way to make it work.

SENATOR WATTERS: So just so we have it in the record here, that if we pass this, the first message to this commission is they don't have to pay attention to this language right here particularly?

SENATOR SANBORN: Senator, thank you so much for the question. Just for the record, as you know legislative intent's very important to me, my position is in the position of this document to charge a commission of people who I think are well skilled to take a look at all of our job training programs and take a good hard look at them, and let's see which ones are working or not working and let's prove to the taxpayer and this body that it's money being well spent. I do not believe for the legislative intent, that this is a commission that we're looking to specifically make consolidations or eliminations of programs. But I do think, sorry Mister President, I do think that we need to look at them, and that's what this commission's really looking to do.

SENATOR WATTERS: Thank you for the clarification, that's very helpful. Thank you.

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

SENATOR KAHN: Thank you, Mister President. I rise with a question for my colleague from Senate district 9. Were there hearings on this commission? On the forming of this commission, that the agencies might have had some opportunity to review this?

SENATOR SANBORN: Senator, thank you so much for the question. As you know, this is a bill that came over from the House that had a public hearing, was voted on the House, and came over to the Senate and is a bill specifically about a workforce training commission, to look at these things. So all this bill looks to do is to expand the players on the commission and to ask the same questions. In fact, most of the duties in there actually came from the House Bill.

SENATOR KAHN: Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So first off we've formed a commission, this would form a commission, must have at least twenty-five members on it, and to me, this looks a lot like a body that I've seen operate for the last twenty years at least, which is the Workforce Investment Opportunity Board. Same membership. Almost the same membership. All the actors in the job training world, all of the agencies that administer them. This is duplication. There is just no doubt in my mind that we are creating something to duplicate something that already exists, that if they were brought into the conversation, we could have used the data that they've already collected and ask them to provide more. That's the case. I agree that these words matter, and I'm glad that my colleague from District 4 has pointed us to page 2 because it definitely says, a consolidation into one comprehensive job training program. Impossible, just not possible. I've got the list, probably it looks a little different than my colleague's from District 9, but the same list. Five different state agencies, administering funds from what I can see is the U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Labor. I mean they're following federal statutes, in carrying out these programs. So, I guess I would encourage the body, vote this down, this is not a necessary action and let's bring these agencies and the WIOA Board into the conversation. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the Floor Amendment 1871s. New Hampshire has a very easy way of dealing with this problem. We have a budget process. And we do it every two years, and we examine every department in state government and we examine every dollar that's spent in state government. We look at reports from every department. What do we need another commission for? We're going to commission ourselves to death. Let's have legislators do what they're elected to do: examine what's going on in the state. We have a process. That process has been in place as I understand it for like two hundred years. It's worked for two hundred years. We do it every two years. The Governor submits a budget, he evaluates every department, he sends out a memorandum. This is what I ask of you for the next biennium. If there are problems, they're noted. The legislature does the same thing. We bring in every department, we ask every department to elucidate on what you are doing, how much money you need and what

is your success rate. It's worked out well. I don't see another commission. I've been around here for a long time. How many of you can remember one significant thing that a commission gave us with the exception of the Royden Sanders Commission, commissioned in 1968 to look at the tax structure of the state of New Hampshire? Now it's the only one I've seen that's really come forward and made a dramatic difference in the state. When we left the inventory tax, we abandoned it because it was bad, and we created the business profits tax which has made us an economically successful state for a number of years. We don't need another commission. What we need is good audits. We need good efforts in terms of our departments, holding our department heads accountable and making sure that a legislature performs properly. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Once again, I rise and ask the body to support this amendment. It's amazing we're getting off to such a wonderful start on a beautiful hot day. But to my colleague from District 20, I have lost count of the number of commissions he has sponsored or co-sponsored in my time in this body. So of course they matter. In fact I think we have 800 commissions floating around this building today. Because this is how we investigate things. This is how we bring people to the table. So the process, the process has always been about charging the legislature and the business community to review how we operate and then make recommendations to the body. So again, as I would say, when we look at this, you know this commission receives testimony from individuals who have participated in the programs to determine if they're satisfied with the program. Review each occupation's training individuals, review methods for achieving more successful outcomes. Are you saying we don't want to do this type of stuff? Are you saying we don't want to ask the people that have actually gone through job training programs and see if they were successful? Do we not want to reach out to the business community and say, hey, did you get a good employee after the training program? Seriously, look, let's roll this thing back up Mister President, get us back in the box. Simple commission to look and see if we're doing a good job, helping people to get better jobs. That's what the amendment does. Thank you, Mister President.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
April 27, 2018
2018-1821s
04/10

Floor Amendment to HB 1100

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

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.

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

3 Veterans' and Disabled Veterans' Preference in Public Employment.
Amend RSA 99-F:5, III to read as follows:

III. A public employer that does not appoint a veteran or disabled veteran to a vacant position for state employment, shall upon written request of the veteran or disabled veteran, provide an explanation of

its decision. ***The explanation shall include information for the veteran or disabled veteran regarding other public employer positions within the hiring agency for which the veteran or disabled veteran may be qualified to apply.***

4 New Paragraph; Veterans' and Disabled Veterans' Preference in Public Employment. Amend RSA 99-F:5 by inserting after paragraph III the following new paragraph:

IV. A public employer shall conduct a review and publish a listing of all positions for which active duty veterans or disabled veterans who have been honorably discharged shall be acceptable and who fulfill the minimum experience required for the position. The listing shall include law enforcement, security, and corrections positions for which the public employer regularly conducts recruitment at the entry level. The bona fide occupational qualifications for the position, including the acceptance of active duty service as experience, shall be determined by the employer.

5 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. Sections 3 and 4 of this act shall take effect 60 days after its passage.

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

2018-1821s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire. This bill also requires a public employer who does not appoint a veteran or disabled veteran to a position to provide information on other public employment positions for which the veteran or disabled veteran may be qualified and publish a list of other public employment jobs for which the veteran or disabled veteran may be qualified to apply.

SENATOR CARSON: Thank you very much, Mister President. This might look a little familiar to some of you. It is a bill that we passed earlier this session dealing with veterans and giving veterans preference in state employment. It passed this body on a voice vote but unfortunately in the House, they got stuck on what is a public employer. They didn't really seem to understand what it is. So just for clarification purposes RSA 99-F: 2 V, a public employer means the state, or any department of the state and any person authorized to act on behalf of the state or any department of the state with respect to control, management or supervision of an employee. So I think that I'd like to send this back to the House, that hopefully we can clear up whatever misconceptions that the House has on this because I think this body over the time that I have been here, has stood strong with veterans. They are a vital part of our workforce and if we can give them a preference in state employee, we all benefit. Thank you very much, Mister President.

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

April 30, 2018

2018-1836s

04/05

Floor Amendment to HB 1100

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

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to workforce development and job training.

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

3 Unemployment Fund; Employer Rates. Amend RSA 282-A:87, IV(a) to read as follows:

IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~ **third** quarter of ~~[2007]~~ **2018**. An administrative contribution equal to the amount of this reduction shall be paid by all such employers.

(2) Commencing ~~[July 1, 2007]~~ **September 1, 2018**, after deduction of all costs incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative contribution collected, not to exceed ~~[\$2,000,000]~~ **\$5,000,000** annually, shall be deposited each quarter in the fund established by RSA 282-A:138-a and shall be expended only as provided by and for the purposes provided in that section, ***provided that commencing April 1, 2020, the amount shall not exceed \$2,000,000 annually.*** The remaining quarterly administrative contribution collected shall be ***divided so that the proportional share of the quarterly administrative contribution resulting from the increase over 2/10 of one percent shall be deposited in the unemployment compensation fund established under RSA 282-A:103 and the remaining amount*** deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

4 Training Fund. Amend RSA 282-A:138-a, I to read as follows:

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of business and economic affairs in accordance with rules and guidelines adopted by the commissioner of business and economic affairs, ***after consultation with the governor's state workforce innovation board***, for funding training under the job training program for economic growth, established under RSA 12-O:30 through 12-O:37. Rulemaking authority relative to administration of the grant award process shall be with the commissioner of ***business and economic affairs*** pursuant to RSA 12-O:33.

5 Job Training Program for Economic Growth; Training Programs. RSA 12-O:32 is repealed and reenacted to read as follows:

12-O:32 Training Programs.

I. Training programs may include, but shall not be limited to:

- (a) Structured, on-site laboratory or classroom training.
- (b) Basic skills.
- (c) Technical skills.
- (d) Quality improvement.
- (e) Safety.
- (f) Management and supervision.
- (g) English as a second language.

II. Pursuant to rules adopted by the commissioner of business and economic affairs under RSA 541-A, not to exceed \$250,000 annually may be provided to further support programs offered as of January 1, 2018, and in addition to programs offered as of January 1, 2018, funding shall be provided for:

(a) Training individuals not otherwise eligible for state or federal training funds available as of January 1, 2018, including the cost of

certificate programs and occupational skills training of individuals not currently employed with an employer in order to fill current in-demand employment in New Hampshire with employers having immediate employment needs, with a priority for jobs identified through the state's sector partnership initiative.

(b) The WorkReadyNH program established by the community college system of New Hampshire in an amount not to exceed \$250,000 annually, including expanding the WorkReadyNH program to current high school students in grades 10 through 12 on a pilot basis.

(c) Recruitment for and program availability of certificate programs and occupational skills training opportunities for New Hampshire high school students upon graduation in order to fill current in-demand employment in New Hampshire.

(d) Marketing of New Hampshire's workforce development initiatives to employers and business community representatives in New Hampshire and for support of the education and acceleration programs within New Hampshire's non-profit business incubators.

(e) Recruitment and coordination of services provided in this subdivision to populations with higher than average unemployment in New Hampshire, including persons in need of training to change careers, persons with substance use disorders who are in recovery programs, persons with disabilities, inmates transitioning to the general population, senior citizens, legal immigrants and speakers of languages other than English, with priority given to persons with substance use disorders who are in recovery programs.

6 Job Training Program for Economic Growth; Eligible Costs. Amend RSA 21-O:35, IV to read as follows:

IV. The department may use no more than ~~[10 percent, or \$200,000,]~~ **7.5 percent** of any moneys received from the training fund established ~~[at] in~~ RSA 282-A:138-a, ~~whichever is less,~~ to administer this program.

7 New Paragraph; Job Training Program for Economic Growth; Report. Amend RSA 21-O:37 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall annually provide a report to the governor's state workforce innovation board, the speaker of the house of representatives, the president of the senate, the chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of the house committee with jurisdiction over labor issues concerning the effectiveness of all job training programs and services.

8 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-1836s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire and expands job training programs offered by the department of business and economic affairs.

SENATOR FELTES: Thank you very much, Mister President. We heard from my friend from District 10 that there is a workforce investment opportunity agency. That agency, that board, and our job training professionals have worked together on enhancing our job training programs for the last few years. Cost effective job training programs. What this does is it reflects some conversations that were had since the last time we worked on this, including sunseting. To be clear, sunseting the increase in support for the job training programs that have a huge demand right

now. Sunsetting that support, coincided with testimony about the unemployment insurance tax careers. So it's been pared back significantly, it's reflected those concerns. You may have a letter here from the High Tech Council, actually formerly known as the High Tech Council, New Hampshire Tech Alliance, in support. So these are very valuable job training programs. I will note though that after the adoption of Senator Carson's amendment, if we adopt this we're going to have to perhaps special order and re-bundle or deal with the sections appropriately. But the goal is not to erase Senator Carson's amendment. The goals is to add this. And again, high demand for these. This is our last chance to act on this before even January or whatever. It's been pared back to reflect the concerns. I'd encourage us to pass it. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with respect and I appreciate my friend from District number 15 putting the bill in, but I ask that the body not support the amendment and vote it down for a couple of reasons. The first would be this would be a tax increase on the business community and more important or just as important is the fact we just had this discussion earlier on this bill about what are we doing with workforce training. And are we at a place that we should be investing more money into what we know now today is thirteen different programs that I am not convinced and many other people are not convinced that we actually have our hand around how they're operating. So I would ask the body again to vote down the committee amendment. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's not a tax increase and the only potential impact would be on the unemployment insurance tax trigger which the Senate President and others have raised concerns about. We sunset the program, sunset the increase to coincide with the testimony on that. So there's no increased taxes, this is something that we need, right now. It's been studied for years and this has been, there's an outstretch demand right now in this program, public-private partnerships, fifty-fifty, a very valuable program. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to consider line 10 of the bill which changes the rate and for the business community, when we have to pay any money into our government, we don't necessarily look at it as a gift, it's typically a tax, fee, fine, penalty or an assessment, and it changes the trigger from two tenths to five tenths, which would be two tenths to four tenths and moves it out by a month. So in a sense, this is an expense laid on the business community. But again, more important than all of this is with all of the programs we have today, shouldn't we be taking a step backwards and looking at the efficacy of them versus trying to continue to expand them, when we're not even sure what we have. So again, I'd ask the body to turn down the amendment. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise again to correct the Senator from District 9. This is not a tax increase. When you look at line 10, that's the amount that otherwise goes into the unemployment insurance trust fund. It doesn't increase taxes, it changes the amount that goes to the job training fund, which is cost effective, return

on investment, has demand that outstrips the supply of public-private partnership grants right now. It doesn't increase taxes and we sunset the increase going to job training out in quarter one I believe in 2020, which is what is consistent with the testimony. Thank you, Mister President.

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

SENATOR KAHN: Did I hear you say that the current program is over-subscribed, sold out for programs that business leaders are using to train their current and incoming employees to meet their workforce demands?

SENATOR FELTES: Yes, that's correct Senator. In fact it's been a frustration of the business community for quite some time. We haven't taken action on it. The other thing that this bill does as you may know Senator, is under the existing requirement, there's a burdensome bureaucratic requirement that requires that businesses actually employ the person before they get that job training. This eliminates that requirement. So in other words, if you're applying for a job and you want to get skilled up for that available position, that opens up some flexibility for businesses and that's something businesses wanted so that's built into the bill.

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

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

May 2, 2018

2018-1892s

04/06

Floor Amendment to HB 1100

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

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and making an appropriation to the department of employment security for an actuarial study of family and medical leave insurance.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Actuarial Study for Family and Medical Leave Insurance; Appropriation.

I. On or before July 30, 2018, the department of employment security and the insurance department shall jointly issue a request for proposals to complete an actuarial study evaluating mandatory, opt-out, and opt-in statewide family and medical leave insurance models for New Hampshire, including, but not limited to, estimated costs and benefits, premiums, participation rates, and take-up rates for each. The request for proposals may be informed by any responses to requests for information received prior to July 30, 2018. The actuarial study shall be completed on or before January 1, 2019.

II. An amount not to exceed \$500,000 is hereby appropriated to the department of employment security for the biennium ending June 30, 2019, for the purpose of funding the actuarial study required under paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2018-1892s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire and makes an appropriation to the department of employment security to conduct an actuarial study of family and medical leave insurance.

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 FELTES: Thank you very much, Mister President. Again, the intent of this is not to supplant Senator Carson's amendment, so if this does pass we'll have to adjust the sections accordingly. The major argument that at least I heard coming from Governor Sununu and some of my Republican colleagues in opposition to family and medical leave insurance was that an additional actuarial study needed to be completed. What this does is funds an additional actuarial study with mandatory opt out and opt in, which some of my Republican colleagues prefer, family and medical leave insurance models. So with that Mister President, I encourage us to adopt amendment 1892s. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this Floor Amendment. Considerable amount of work is already ongoing on a committee that I am working with and I've invited Senator Feltes to join me with. We don't need an actuarial study on a model that doesn't yet exist. And this is the problem we're trying to solve. Working with the stakeholders, I'm working with Roger Sevigny, the Commissioner of Insurance, I'm working with Rich Labors, the Assistant Commissioner of Employment Security and a number of other people that are engaged in the process and we are moving forward with meetings to establish an RFI, Request For Information, from the insurance companies so that we can then go with an RFP. I'm working with the labor unions because we are seeing a model evolved in which and perhaps we can get the state employees to buy into this. And we are meeting with the heads of those unions to establish them potentially as a core base from which we will then develop an actuarial model not based on hypothesis or supposition but a real base into which anyone else can by choice join. So there are a number of models under consideration, public-private partnership as well as private. But there's no need for an actuarial study until you have a model, okay? To actually actuarialize for lack of a better word. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you. Just briefly. I'd point my good friend from District 2 to lines 15 and 16. The request for proposals may be informed by any responses to request for information received prior to July 30 2018. In addition to that, we heard that we cannot, even though I disagree whole-heartedly as you probably know from the discussion last week, the supposition was we can't predict or estimate or certify

to an exact participation rate or take up rate under different kinds of opt in opt out. What this does is look at that. So regardless of how it's administered, take up rate and participation rate, there's something in an actuarial study that people have said they wanted. The Governor said he wanted an additional actuarial study, people in this chamber have said it. So it's time to put our money where we say it is, where our mouth is or whatever the saying is. Thank you, Mister President. (The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. In the process moving forward we are actually developing the questions and those questions will be going out to all employers in the state, through the Department of Employment Security to poll their employees. What would you like, what are you willing to pay, those types of questions. So that whole process is going to get a much better sample size, much larger, much broader, much deeper into the working people of our state that will enable an actuarial model to be that much better. And so again for those reasons it's premature to ask for an actuarial study until we have a model and the data that will enable them to get a much better job done with that study. Thank you, Mister President.

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

SENATOR FULLER CLARK: Thank you for taking my question. I'm interested to know how that poll is going to be conducted, who's conducting it and what is the cost?

SENATOR GIUDA: Thank you for the question. That will be determined in the course of this study that we're doing, and RFI, Requests For Information and if we do this right, an actuarial study will be done by the insurance companies, not paid for by the state. It will save us nominally half a million or whatever it might be. And it will be done by the people that actually will be offering the product based on real data based on the sample size taken throughout the state. So that methodology will be developed in the course of the coming months.

SENATOR FULLER CLARK: But as I understood it from your previous remarks, you said that there would be a poll going out as a means of shaping the model that would then be used. So is that whole initiative also being undertaken by insurance companies, Insurance Department or who's initiating that and paying for it?

SENATOR GIUDA: That whole process, while generally spoken to, will be specifically fleshed out in the course of the meetings that we're having. Because we're going to involve the state's labor force, we're going to involve private sector labor force that will involve employers. Employment Security is willing to do this and able. They have all the companies that pay into the unemployment fund. So the mechanisms to cost and so forth, that will come from the study that's being done this summer with the intent to bring in legislation next fall.

SENATOR FULLER CLARK: Thank you.

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

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

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

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

SENATOR INNIS: Fifty-five minutes in Mister President. Thank you. I move Ought to Pass on House Bill 1285. This bill clarifies language in the existing statute that will protect entertainers and dancers who perform in this state. Currently there is an incorrect interpretation that would classify entertainers such as musical groups, comedians and other artistic acts as employees of the state of New Hampshire. Presently entertainers are not permitted to consume alcohol while performing because the interpretation of the statute by the liquor commission classifies them as employees. Entertainers are not on a venue's payroll as a paid employee of the establishment, they do not complete employment paperwork or receive a paycheck. They are not required to work a certain amount of payable hours, and do not receive traditional benefits. They're private contractors and work for themselves. Currently, the liquor commission supports this bill because they don't have the manpower to effectively enforce the current statute. The scope of the law is burdensome to small businesses in this state as well as the entertainment industry. The bill clarifies that in the state of New Hampshire an entertainer would not be considered an employee under the current statute. There is comedian Ron White who does his act with scotch on a chair next to him. If we pass this I'm sure he will be thrilled. So please join the committee in voting House Bill 1285 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 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.

Ought to Pass, Vote 3-2. Senator Innis for the committee.

Senator Innis moved to Lay on the Table HB 1382. Adopted.

HB 1487, relative to banks and credit unions.

Ought to Pass, Vote 4-1. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1487. This bill makes several changes to the New Hampshire banking laws including authorizing the department to conduct background investigations of department contractors. It authorizes the commissioner to release reports to government sponsored banks created under the Federal Home Loan Bank Act and requires depository and foreign banks to notify the department of relocation of loan production offices. For these reasons I hope you will join the committee in voting House Bill 1487 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 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.

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

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass on House Bill 1519. This bill adds a new section of law to the statute regarding examination and recount of a condominium unit owner's association vote taken without a meeting. This bill requires that all ballots cast in an association vote shall be counted using a tally sheet for the vote. If more than one ballot item was voted on, the board may elect to keep a corresponding tally sheet for each ballot item. The ballots and tally sheets shall be made available for examination and recount by request of any owner participating in the vote immediately following

announcement of the results of the vote taken. Please join the committee in voting House Bill 1519 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 1521, relative to the definition of an emergency for a special assessment in a condominium.

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

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1521. This bill defines the term emergency for purposes of a vote for a special assessment in a condominium unit. For the purposes of this section, an emergency means a situation that requires the immediate action of the Board of Directors, where a danger to the structural integrity of the common areas is discovered. Or to the life and safety of property unit owners or as required by court under order or to respond to any legal or administrative proceeding brought against the association that could have been reasonably foreseen by the board in preparing and distributing the annual operating budget. Please join the committee in its recommendation of Ought to Pass on HB 1521. Thank you, Mister President.

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

HB 1578, relative to samples from nano breweries.

Interim Study, Vote 4-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move House Bill 1578 Refer to Interim Study. This bill allows a nano sized craft beer manufacturer to provide samples of their products and sell them on the premises of a licensed wine manufacturer. We've had several beer and wine bills over the last two years and the committee felt that this is providing special treatment for nano breweries that other licensees are not receiving. It is not the New Hampshire way to choose a benefit some get while excluding others. So the committee asks that you vote Refer to Interim Study for House Bill 1578. Thank you, Mister President.

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

HB 1601, relative to a declarant's options for condominium expansion. Ought to Pass, Vote 3-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1601. This bill was a request of the committee to study the laws relating to condominium and homeowners associations. This bill adds a time limit for the conversion of convertible spaces pursuant to a condominium instrument and clarifies that the clearance options for adding additional units or common areas in a condominium. The bill also amends the law in how the land proposed for future expansion must be identified within the declaration. Please join the committee in voting House Bill 1601 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask this body to stop for a second and take a very deep breath, and consider unintended consequences here. While the bill is well-intentioned and the bill looks to make some sort of a recognition of further expansion of condo projects, the truth of the matter is if we pass this

bill, we are telling every developer of condo projects in New Hampshire that if they cannot build it out within five years from the date of the declaration, they can't build it out. There are condo projects all over the state in every single one of our districts. Every single one of our districts have condo projects that have gone for some period of time. In Hooksett, you've got those condos up on the hill behind the quarry. In Manchester, you've got the Strawberry Hills. In Portsmouth, in Derry, in Windham, in Londonderry, all over this state. Every community, there are condo projects that have taken years upon years upon years to finish. We also cannot forget that although the economy's doing very, very well today, it doesn't always do well. There's these little things called recessions, Senators. Happen about every ten years, where the real estate market stops for six or seven years. If we have a recession that lasts for some period of time, it's telling the developer and just as important Mister President, it's telling the bank for the developer, that the project is never going to pay for itself, because they can't build and sell the units. Because we're about to pass a law if you pass this, that says after this five-year declaration period, you've got to stop. You've got to stop. You can't build anymore. Senators, again I ask you to vote down this not because the rest of the bill isn't good. There are other good parts of the bill. But this issue came up very recently and we have to truly consider the ramifications of this bill and the ramifications are as black and white as the pages we read. If we pass this bill, it is going to stop the development of any condo project that goes out five. It is going to stop the development of any condo project that happens during a recession. It is going to turn to the banking community and fundamentally change how development happens. I don't know of this provision being anywhere else in the country. Never seen it before. This steps us on incredibly thin ice and I'd ask the body to vote down the motion of Ought to Pass and if you guys want to take it up next year and look at it some more that would be great but this is incredibly dangerous ground for us to be standing on today. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Just to expand a little bit on some of the comments made by the Senator from District 9. There is a five-year time limit on these expansions and other activities, but it's possible for the owner to get a five year extension as well. So you can have up to ten years to make the decision on what you're going to do. And having been involved in real estate, I think those in here who may be have been, ten years is a long time. If you can't find a sweet spot in ten years to expand or do something with that condominium, you ain't going to find it. So this is plenty of time for condominium owners to have the freedom and flexibility that they need to get this done. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise against the motion of and I believe that we should not pass this bill. This bill hurts the people in my area. Ten years is nothing when you live in Franklin. Some of these projects just never fill out. They go on ten, fifteen years and I remember the recession of the 80s. The good Senator from 15 doesn't, he was in high school, but they were rough. And it took years to get through them and we shouldn't put these, grade school, thank you, and we really shouldn't be limiting the developers of the state by passing this. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to the committee report. At a time when we are crushed for housing of all sorts, we are contemplating adding yet another regulation to discourage the enterprise of construction and building and development when we need it. Why would we do this? Why would we do this? I would encourage you to vote down the committee amendment so we'll move the bill Inexpedient. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise a second time and I appreciate your indulgence and I ask my Senators that live in Hooksett or Manchester, I ask all you as Senators, if you've ever driven down Second Street, Second Street in Manchester, there's a condo project and we know for two decades, during that last big recession, they built out half of the condo project and nothing but red pig iron stood out on that street for a dog's age, which is over five years ladies and gentlemen. We know that in Hooksett, up behind the quarry, there are several development projects. Those projects themselves have been going on for decades. And I'm sure the Senators from Manchester and the Senators from Hooksett and other Senators in this room all know real estate developments that have been going on for a long time. Having the ability to have one five year extension does not provide sufficient time. In addition to that, even speaking with Senate Counsel just a few minutes ago, he said yes, you could make an amendment to put additional five-year limits on it. There are things that could happen but today as this bill stands before us Mister President, they're not in there. Every one of us has developers in the districts we live in, we have developers we know who develop all over this state, that putting this hard stop after five years will be catastrophic to the development of real estate in our state. And again I ask the body to turn down the amendment. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. I rise to support the Ought to Pass on House Bill 1601 and I guess I should say that I live in a condo so I might have a, just declaring it. But I will say this is a state, we're trying to get young people in to live in this state. We have condos that up to ten years. The condos are what our kids can be buying. My step-daughter and her husband, they have a condo. We live in a condo. This is basically kind of workforce housing. We're looking to try and bring young kids in to be able to live here and I don't think five years with a five year extension is too much to ask to start bringing in some younger kids so that they can afford to live in here. So with that, I support House Bill 1601. Thank you, Mister President.

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

SENATOR SOUCY: Senator, would you believe one of the issues raised is this five-year provision in the extension? And would you further believe that our existing law since at least 1991 provides that the conversion of convertible land with respect to condominiums has this exact same language?

SENATOR BIRDELL: I would believe that, Senator.

SENATOR SOUCY: Thank you.

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: Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Woodburn, Giuda, Bradley, French, Sanborn, Daniels, Avard, Feltes, Reagan, Gannon, Morse.

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

Senator Sanborn moved to Lay on the Table HB 1601. Adopted.

HB 1605, relative to reinsurance.

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

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1605. This bill was a request of the Insurance Department. The National Association of Insurance Commissioners adopted changes to their model law on credit for re-insurance that provides and describe rulemaking authority for the Insurance Commissioner concerning certain captive re-insurance transactions involving specific forms of life, annuity and long-term care insurance. Incorporating these changes into the statute is an NAIC accreditation standard. Maintaining these accreditation standards is important for the department because they assure a level playing field for carriers domiciled in other states who practice in New Hampshire, while offering the same assurance to New Hampshire companies doing business in other accredited states. Please join the committee in voting HB 1605 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.

Recess. Out of recess.

PRESIDENT MORSE: Let me explain the situation. House Bill 1601 which is currently on the table, when I read the report, maybe it was wishful thinking, I declared that it was defeated 13-11. It would have passed 13-11. I recognize Senator Bradley for a motion.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1601 from the Table. Adopted.

COMMERCE

HB 1601, relative to a declarant's options for condominium expansion.

The pending motion is Order to Third Reading.

President Morse Ordered HB 1601 to Third Reading.

HB 1654, relative to automobile medical payments.

Ought to Pass, Vote 4-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. A very interesting bill and I move Ought to Pass on House Bill 1654. This bill allows insurance carriers to pay health care providers a reasonable fee for services covered under motor vehicle liability insurance. The injured driver and the passengers would not be responsible for medical cost beyond the reasonable costs that have been reimbursed. So please join the committee in voting House Bill 1654 Ought to Pass. Thank you, Mister President.

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

SENATOR SOUCY: Thank you, Senator. Can you tell me in this legislation who makes the determination of what's reasonable?

SENATOR FRENCH: The insurer I believe.

SENATOR SOUCY: So if someone disputes what the insurer is saying, 1682 would they have to go to a hearing at the Department of Insurance. Is there a provision in this change for that?

SENATOR FRENCH: I didn't see one but I would assume that's the way it usually is handled.

SENATOR SOUCY: Thank you.

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

A division vote was requested.

Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

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

SENATOR INNIS: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 1682-FN. This bill establishes a study committee to study foreclosure practices that violate state or federal law. A study commission was created four years ago for this very issue and resulted in a nearly 300 page long report discussing foreclosure processes in New Hampshire. As a result of that study commission, two separate pieces of legislation were passed for consumer protection; the Dodd-Frank Act which was in response to mortgage markets in 2008, and it regulates every aspect of banking foreclosures. Another study commission is unnecessary and would be quite frankly redundant. Please vote Inexpedient to Legislate on House Bill 1682-FN. Thank you, Mister President.

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

HB 1687, relative to banking and consumer credit.

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

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on HB 1687. This legislation was a request of the Banking Department and makes several technical corrections to our consumer credit statutes. The bill would clarify that the department may review advertisements for three years after the date of publication for retail sellers and sales finance companies. Section 3 expands the definition of clerical or support duties, to increase the number of people who classify as loan processors or loan underwriters that will now not need to be licensed. Expanding the definition will decrease the number who need to apply for a license. It would provide for, the legislation would provide for a dual licensure pursuant to 397-A and RSA 399-D. And ensures that those who are licensed pursuant to 397-A and refer their clients to mortgage modification companies are in fact licensed to do that adjustment in 399-D. Sections 6 and 15 clarify the jurisdiction of the Banking Department and New Hampshire Department of Justice over credit service corporations which provide service to their customers to improve their credit scores. It clarifies that the department's focus is on those entities who actually make loans. And further it incorporates into the small loan statute terms which shall be included in notes, agreements or promises to pay. Lastly, the bill makes several corrections for statutory reference changes and corrects spelling errors. Please join the committee in voting House Bill 1687 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 1690-FN, relative to liquor licenses.

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 1690. This bill clarifies certain liquor statutes. Current law for a premise licensee requires a sectioned off area for patrons. In situations where there is a large area, such as a winery, people want to be able to walk around with their glass of wine. This bill allows them to do so as long as they stay within the line of sight. This bill also allows for the commission to issue a supplemental wine festival license or a supplemental liquor festival license to the holder of a wine or liquor manufacturer license, or responsible person representing a voluntary non-profit group. And establishes the fee for liquor festivals at the same levels charged for wine festivals. The one, two or three day fee is 250, 300 or \$350. Please join the committee in voting HB 1690 Ought to Pass. Thank you, Mister President.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9

May 2, 2018

2018-1876s

08/03

Floor Amendment to HB 1690-FN

Amend the bill by replacing all after section 5 with the following:

6 Direct Shippers Licenses; Commission to Sell. Amend RSA 176:11, II to read as follows:

II. In the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by persons holding either liquor and wine representative licenses[;] ~~or~~ ~~liquor and wine vendor licenses[; or direct shipper licenses]~~ who compete directly or indirectly with the commission for market share, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against the competing entities.

7 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

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

2018-1876s

AMENDED ANALYSIS

This bill:

I. Allows certain licensees to serve alcohol in certain areas the licensee operates.

II. Allows for the operation and licensing of liquor festivals.

III. Repeals provisions licensing cocktail lounges on airships.

IV. Removes direct shipper licenses from consideration for diversion of revenues by the liquor commission.

SENATOR SANBORN: Thank you, Mister President. Mister President, I ask the body to consider amendment 1876. The body might remember that several months ago, that we had debate relative to whether or not we would allow direct shippers of wine to be able to ship into New

Hampshire, which has been a practice we've allowed for a long period of time. This comes on the heels of a bill that was passed two years ago that gave the Liquor Commission sweeping powers that if it felt that it was seeing too much competition, that part of those powers would allow it to restrict the marketing or merchandising of other importers or direct shippers of alcohol. This bill we had a couple of months ago looked to expand that process and this body tabled that bill as a policy that it did not want to support. Unfortunately, we have now found out that there has been significant activity that direct shippers in the state of New Hampshire have been denied renewals of their license and in fact, as of this morning more than fifty direct shippers and what I'm being told is every single renewal from February until today has been denied. I believe this is contrary to the policy that this body considered a few months ago. So what this amendment does, it looks at the legislation that we have passed two years ago and again nearly strikes out the direct shipper licensee, which should therefore allow those wine manufacturers and direct shippers to actually sell directly into our state as they have been doing for some long time. Remind the committee members that if you have your favorite wine or your favorite beverage that the state of New Hampshire does not stock, and they have complete discretion of what to stock, but yet you still want it, or your constituents still want it, passage of this amendment would allow them to go back and continue to get it, because it's being inhibited today. So I'd ask the body to support passage of amendment 1876. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Having just seen this I do want to rise and say some words that I think perhaps we're not ready to vote in support of this. The language of the amendment notes that the Liquor Commission has this authority in the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by certain persons. Now we depend on the Liquor Commission to produce substantial amounts of revenue for the state. Now if they are being capricious here, or if they have not been able to demonstrate that revenues are being significantly diverted, well let's hear about that and then maybe this is needed. But presuming that they are doing this without justification given in the statute to protect the revenues that come to our state coffers, why should we pass this now? Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 12 - Nays: 12. Failed.

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

HB 1740, relative to costs of blood testing orders.

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

Commerce
April 24, 2018
2018-1760s
08/04

Amendment to HB 1740

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

AN ACT relative to costs of blood testing orders and licensing historic racing.

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

3 Limitation; Application of Chapter to Historic Racing. Amend RSA 284:1 to read as follows:

284:1 Limitation. This chapter shall be construed to apply only to running or harness horse racing, whether live, [or] simulcast, **or historic**, or simulcast dog racing.

4 Racing and Charitable Gaming; Historic Racing. Amend RSA 284:6-a, VI to read as follows:

VI. The lottery commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live, **historic**, or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live, **historic**, or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine[~~or historic racing machine~~]. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live, **historic**, or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011, with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

VII. Notwithstanding the provisions of RSA 284:6-a, VI, the lottery commission shall authorize wagers on historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers meet the requirements of this chapter.

5 Rulemaking; Historic Horse Racing. Amend RSA 284:12, IV to read as follows:

IV. The sale of pari-mutuel pools as authorized under RSA 284:22, [and] RSA 284:22-a, **and RSA 284:22-b**.

6 Investigation Fees. Amend RSA 284:12-a, I to read as follows:

I. No person, association, corporation, or any other type of entity shall hold any live running or harness race or meet, **shall offer wagers on historic horse races**, or shall conduct any simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without a license from the lottery commission.

7 New Section; Requirements for License to Conduct Historic Horse Race Wagering. Amend RSA 284 by inserting after section 15-d the following new section:

284:15-e Requirements for Conducting Historic Horse Race Wagering.

I. Any person, association, corporation, or other type of entity who holds a license under RSA 284 to accept pari-mutuel wagers may accept wagers on historic horse races.

II. Any person who holds a license under RSA 287-D may accept wagers on historic horse races.

8 New Section; Parimutuel Pools on Historic Horse Racing. Amend RSA 284 by inserting after section 22-a the following new section:

284:22-b Pari-mutuel Pools on Historic Horse Racing.

I. In this section:

(a) "Historic horse race" means:

(1) Any horse race, whether running or harness, that was previously conducted at a licensed pari-mutuel facility;

(2) Concluded with official results; and

(3) Concluded without scratches, disqualifications, or dead-heat finishes.

(b) "Licensee" means:

(1) Any person who, as of December 31, 2017, holds a license under RSA 284; or

(2) Any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 287-D and meets the requirements of RSA 284:15.

II. A licensee under this chapter or RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds a license.

III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may take place on electronic gaming devices provided that:

(a) All wagers use the pari-mutuel method of wagering;

(b) A licensee at all times maintains at least 2 terminals offering the same type of wager on historic horse races;

(c) The terminal makes available true and accurate past performance information on each historic horse race prior to the patron making his or her selections;

(d) The terminal displays a replay of each race, or a portion thereof, whether digital or by way of a video recording, and the official results of each race. The identity of each race shall be revealed to the patron after the patron has placed his or her wager;

(e) The terminals have been tested by an independent testing laboratory to ensure integrity and proper working order; and

(f) Each terminal displays pool amounts that the patron will receive for a winning wager on each pari-mutuel wagering pool.

IV. Racing officials, any employee or owner of the person who provides the totalizer system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which operates the historic horse racing and wagering shall be prohibited from participating in wagering, directly or indirectly, on historic horse races offered at the licensee's facility.

V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of not greater than 19 percent. In addition to the above commission, 100 percent of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage," shall be credited to the lottery commission. Each licensee shall pay the tax provided for in RSA 284:23.

VI. Each licensee shall collect an amount equal to the tax provided for in RSA 284:23, I(b). Each game operator employer as defined in RSA

287-D who is licensed to conduct wagering on historic horse racing under this chapter shall distribute 35 percent of the amount collected to charitable organizations with whom the game operator contracts on each licensed game date. The remainder of the total amount collected by the game operator employer under this paragraph shall be credited to the lottery commission for use according to the special fund established in RSA 284:21-j.

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

2018-1760s

AMENDED ANALYSIS

This bill clarifies the provision of law relating to the costs of blood testing orders when certain individuals have been exposed to another person's bodily fluids.

This bill also defines and regulates pari-mutuel pools on historic horse racing.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1740. Last session legislation was enacted to allow first responders who have been exposed to another person's bodily fluids to be tested. This bill repeals the provision requiring the cost of the blood testing orders to be paid for by auto or health insurance policies under certain circumstances. Workers' compensation insurance is now the only inappropriate insurance to pay for the testing. The committee amendment attaches my historical racing bill to the end of this bill. That bill was passed overwhelmingly by the Senate but unfortunately the House sent it to Interim Study. So possibly if you can't support that amendment which would be a great addition to this bill, please support the underlying bill by joining the committee in voting for HB 1740. Thank you, Mister President.

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

SENATOR BRADLEY: Senator, are you suggesting to the body that the horses want to run on a different day in a different venue and that we should vote down the committee amendment so that it can arise like a phoenix on a different day?

SENATOR FRENCH: I was and I was thinking when I added it to this bill Senator, that bloodletting on a person was the same as bloodletting at a casino. But I don't think they go well together, so that would probably work. Thank you, Senator for your question.

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

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

HB 1781, relative to condominiums with 10 or fewer residential units. Interim Study, Vote 4-1. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Refer to Interim Study on House Bill 1781. This bill establishes meetings and insurance requirements for small condominiums with ten or fewer residential units. It also establishes a default 50 percent cost split for units without a master casualty policy. The committee felt this bill was confusing and may cause unintended consequences. And that's the reason we ask for your vote of Refer to Interim Study on House Bill 1781. Thank you, Mister President. All the periods were in the right place here. Thank you.

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

EDUCATION

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

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

SENATOR KAHN: Thank you, Mister President. I rise to put on the table an Ought to Pass recommendation from the Education Committee. So this bill is recommending an alternative certification career and technical education educators that would enable local boards to offer a three year certificate in specialty areas in career and technical education centers. So right now, the RSA delegates to the Board of Education to adopt certification standards for teachers subject to RSA 541-A rulemaking. And current education rules require all teachers including CTE educators to successfully complete a core assessment. This bill provides that schools can request a waiver of a formal core competency assessment and can formulate the terms of certificates of eligibility on their own. While the committee recommends support of the Ought to Pass on House Bill 1498, I believe the chairman of the committee would like to address this recommendation further. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I encourage the chamber to defeat the Ought to Pass motion so I may offer an Inexpedient to Legislate motion.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I, in following up on this bill with commissioner of education, it became clear that the Board of Education has already started and initiated the process under 541-A on rulemaking to accomplish this same end. So this legislation and the need for it is passed, it's not necessary, I recommend as the chairman has said that we vote down the Ought to Pass so a motion of Inexpedient to Legislate can be introduced.

The question is on the adoption of the motion of Ought to Pass. Failed. Senator Reagan moved Inexpedient to Legislate.

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

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

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

Senate Education

April 10, 2018

2018-1427s

04/06

Amendment to HB 1636

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

AN ACT establishing a committee to study teacher preparation and education programs and relative to chartered public school use of unused school district facilities.

Amend section 2 of the bill by replacing paragraph I with the following:

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

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

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

Amend the bill by replacing section 4 with the following:

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

Amend the bill by replacing all after section 5 with the following:

6 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194 by inserting after section 60 the following new subdivision:

Chartered Public School Use of Unused District Facilities

194:61 Unused District Facilities.

I. For the purpose of this section, “unused facility” means a school building owned by a school district in which less than 10 percent of the square footage of the school building is used during a school year for direct student instruction and for which no purchase and sale contract has been executed.

II. The superintendent of each school district shall annually report to the department of education each unused facility owned by the school district. The department shall establish and maintain a list of unused facilities owned by each school district and make such list available on the department’s website. If a school district plans to reuse an unused facility within a 12 month period, the school district may exclude the facility from the annual report to the department. However, a school district may exclude an unused facility from the school district’s annual report only once.

III. Each school district shall make an unused facility available to a chartered public school if the facility has been unused for 2 consecutive school years.

IV. A school district that owns an unused facility shall decide whether to sell or lease the facility or unused part of the facility. Once a school district has decided to lease an unused facility, the chartered public school shall have the right of first refusal. If a chartered public school leases the unused facility, it shall be at fair market value or less for a term of 10 years. The chartered public school may renew the lease for one additional 10 year term. The lease shall include ingress to and egress from the facility, and where a part of a facility is leased, the right to access and use of the common area shared by all tenants and users of the facility. If a chartered public school leases the entire facility, the chartered public school may incur debt to make improvements to the facility, and the school district shall subordinate its interest in the lease to such debt.

V. During the term of a lease, a chartered public school shall be responsible for direct expenses related to the facility or the part of the facility leased, including utilities, insurance, maintenance, property taxes, and repairs. If the chartered public school fails to apply for a property tax exemption, a lien shall not attach to the property.

VI. If a school district decides to sell an unused facility a chartered public school shall have the right of first refusal. A school district shall

publicly disclose the amount of debt owed on an unused facility within 7 days of an inquiry from a potential buyer. The chartered public school has 6 months after the date of making an offer in writing to complete the purchase of the facility for a price negotiated with the school district. If a chartered public school acquires an unused facility for an amount that is less than the appraised value of the facility, and resells such facility within 10 years of purchase, any amount exceeding the original purchase price, plus any outstanding debt, real estate commissions, and closing costs shall be paid to the school district.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

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

2018-1427s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs. The bill also makes unused school district facilities available to chartered public schools.

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

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

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise with a Parliamentary Inquiry. I'd like to know if the question on the amendment can be divided? And I'm just getting to the page. My request, Mister President, if possible would be to vote on the first two parts of the amendment labelled as "Amend section 2 of the bill", and then "Amend the bill by replacing section 4", taking those up as one motion and then the balance of the amendment as a separate motion?

PRESIDENT MORSE: Senator, the motion is divisible.

SENATOR SOUCY: Thank you, Mister President.

PRESIDENT MORSE: Let me state where we are. We're first voting on section 7, lines 6 through 12 and section 7, lines 15 through 18. Is that your request Senator Soucy?

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: If I'm looking at the amendment on my iPad, it appears that it's the language that begins on line 6, amending the section and it goes all the way through to line 18. So it would be those two sections of the amendment which specifically deal with the committee and then the balance beginning on line 22 and the subsequent pages which deal with the separate issue?

Senator Soucy moved to divide the question: Committee Amendment 2018-1427s; Section 2, I. (a) and (b), Section 4, and Section 7.

The Chair ruled the question divisible.

Recess. Out of recess.

PRESIDENT MORSE: We are discussing Section 2, I. (a) and (b), Section 4 and Section 7. Is it clear?

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I'm interested in particular in the passage of the first portion of the amendment and the original language of the committee. I would encourage my colleagues to support that, it seems to make common sense. I think there might be some differences of opinion regarding the policy of the changes beyond that and I think there are others of my colleagues that would like to address those changes. So with that I would ask that for at least the first part of the amendment, people vote yes and then we can have debate on the second half. Thank you, Mister President.

The question is on the adoption of Committee Amendment 2018-1427s; Section 2, I. (a) and (b), Section 4, and Section 7. Adopted.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the Committee Amendment. There may be more amendments. But there are reasons here that we should not approve this amendment or other amendments that attempt to take away local control on school buildings. And that's what this does, I mean this is really restricting free enterprise and the decision making abilities of local school boards. It does so without good definitions, it restricts the uses of underused facilities to only 10 percent, if 10 percent of it is used for direct instruction. If it's that or less, then it must be offered to chartered public schools and there are a whole host of other kinds of direct instruction kinds of uses. It's not a term that has good definition. So I encourage us to look at that term, because it's excluding, if that direct instruction could be offered by a pre-school, public or private, it's excluding whether direct instruction could be offered by a CTE or a community college. And what if that building is reused for an administrative purpose? Or for some other government program. The point here is this amendment that is going on to a study of teacher preparation programs is not helping the amendment and in fact is setting up restrictions on local districts that I don't believe act in the best interests of our local districts. So I ask that you defeat this amendment and if there are subsequent amendments on this I'll rise again to speak because these definitions do not serve free enterprise nor our local control by our school boards. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy for an introduction.)

SENATOR SOUCY: Thank you, Mister President. Mister President, at this time I'd like to introduce not only a former State Senator, a former Governor and our current United States Senator, Jeanne Shaheen.

SENATOR SHAHEEN: Well, President Morse asked me if I'd like to say hi, I said of course. You know I never pass up this opportunity. It's always so nice to be back in the State Senate. This is one of the things that I have enjoyed the most in my time in politics and you are still able to do in New Hampshire what I think we don't do so well in Washington which is figure out how to get along and get some issues moved. So thank you all for that. I know you have some very serious issues you're considering today. I know you're going to vote right. But I hope that if there are things that I or my office can help you with as you're looking at the challenges facing New Hampshire that you will take the opportunity and give us a call. That's why we're there, to provide service to the people of the state and to work with the state with local communities to move

things forward in a way that benefits the people of New Hampshire. So thank you all very much for what you do. Mister President, thank you for giving me this opportunity.

PRESIDENT MORSE: Senator before you leave, I received a phone call from a twenty-two-year-old this morning, she happens to be related, she did contact your office, she said "Dad, did you read my message?" I said "Em, I'm driving. What is your message?" She says, "Well, there's these two bills in Washington that I want you to approve." And I said, "Emma, you're out of my league," I said, "but maybe I can call the President today and just ask him to do it." And you showed up today and I'm going to ask you on behalf of my daughter to follow up on this legislation. I know she sent you a letter, I'm not sure she might be getting a political bug, so.

SENATOR GIUDA: Thank you, Mister President. I ask the body to approve the amendment so that I can introduce a Floor Amendment to this legislation that will settle the issues which are raised of concern. Thank you, Mister President.

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

SENATOR WATTERS: Thank you, Senator. If it's not inconvenient for you I'm referring to page 24 in the calendar. And I wanted to ask you questions about a couple provisions here. I'm looking down in section 4, the last couple lines there that say that if the charter school incurs a debt to make improvements to a facility and just to note that we did pass a bill which I supported to allow charter schools to take on debt for new facilities. And the school district shall subordinate its interest in the lease to such debt. Now would it be my understanding that that would create essentially an unfunded mandate on the school district in terms of having to take perhaps less than it had contracted for the lease in order to subordinate that interest to the debt?

SENATOR KAHN: And the way that I would interpret this is that it would subordinate its interest to the debt and whoever is the creditor of that debt. So were that to be a bank, the school district would subordinate its interest in that building to the creditor.

SENATOR WATTERS: And similarly, if you look down to section 5 a few lines down, and again, you being on Public and Municipal and have more experience perhaps you can address this question where it says that the chartered public school fails to apply for property tax exemption which one would assume as a school they would be able to achieve, a lien shall not attach to the property so that, doesn't this essentially mean also another unfunded mandate to the municipality that if for any other property would have attached a lien if taxes were not appropriately paid, here it could not do so?

SENATOR KAHN: Yeah, this section is confusing to me as well as implied by your question. There is some potential that I mean, we have other legislation that has defined that a public tax-exempt entity needs to report to the town any lease of its property and would need to do so if necessary a tax exemption were this not an exempt entity, would need to be applied for. And you would think that the entity itself ought to be the applicant for the exemption.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and would like to address the questions that my friend from Dis-

trict 4 has. Some of you know in full disclosure, I spent a fair amount of time in commercial banking, so I know a little bit about mortgages and liens. And what we typically see is that if an entity is going to borrow money from a bank, that bank requires a first position on the mortgage instrument so there could be many things that are on that docket that have been recorded, a lease could be one of them and a bank would always look to be in first position since they're the primary provider of funds. Now just because an entity like a school system or a community takes a subordinate position, which is normal customary practice of what you see all over the place, it's not considered to be an unfunded mandate. It's just a recondition of priority on ownership of the product. We also have to remember that a lease itself might not actually have a financial obligation or there could be a lease to a different entity that say, is leasing equipment and as security take some sort of position on the property. So, Senator, again just for clarification, this is not meant to be an unfunded mandate but just to recognize existing commercial transactional property basis of just making sure that the priorities are there. And in all of my years, I've never seen a subordinate position become an unfunded mandate to another entity including the municipality. Just haven't seen it, but I appreciate the question.

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

SENATOR WATTERS: Thank you, Senator for the clarification. And so I think perhaps I used an inappropriate term. Let me phrase it this way. And I think a distinction really is that this is different from your normal commercial lease and I understand what you told me about that. But here we have municipal school property paid for by the school taxpayers who bought in and so on. And now I you know, and I think there's an argument to be made for the possibility when available, it's happened in my community, a charter school wants to get into an unused facility, that's a great thing. But isn't there a danger here that let's say the school goes belly up, and it has not paid its lease rent for several months and it's not paid its mortgage and so, of course, the bank is going to foreclose. And so what it says though then to the school district is that you are second in line on the money that you're out, so the taxpayers in that school district wouldn't essentially have to eat that loss because of this clause.

SENATOR SANBORN: Senator, thank you so much for the question. I think it's important that we recognize the fact that a lease is a different instrument than a mortgage. So in mostly all commercial transactions and for the record, based upon our current ethics laws, I have relationships with banks and leases, my leases are subordinate to the bank position, so I live this, right? So recognizing that a lease is different than a mortgage instrument, a mortgage is just when you borrow money, they take a subordinate position on the real estate. Typically, a lease is just a recognition of part of that cash flow. So again with respect I understand your concern but I'd like to try to allay that fear that having a lease as a recorded document or anything else recorded on the property, will not put the municipality in an adverse financial position except recognizing that if a school district sells a piece of real estate and retains the mortgage so is getting rental income from that way, then yeah, there's always that potential. But if the school district is selling the real estate, they are essentially are lose giving up the ownership of it and the bank would have that first prior position in it. So your question back on lease is whether or not a lease by subordinating the lease, will it disadvantage, you know financially disadvantage or pit a school

district or a municipality in a subservient position, respectfully I don't think that happens, unless there's some other financial condition that I personally had never saw in my decades.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. As I said earlier, I would ask the body to pass this amendment so I can introduce a Floor Amendment that allays all of the concerns of the committee amendment. Thank you, Mister President.

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

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

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

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

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

May 1, 2018

2018-1851s

04/06

Floor Amendment to HB 1636

Amend the bill by replacing sections 6 and 7 with the following:

6 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194 by inserting after section 60 the following new subdivision:

Chartered Public School Use of Unused District Facilities 194:61 Unused District Facilities.

I. For the purpose of this section, "unused facility" means a school building owned by a school district in which less than 10 percent of the square footage of the school building is used during a school year for direct student instruction and for which the school district has no school board-approved written plan for future use. In order to comply with this paragraph, such school board-approved plan shall include direct student academic instruction within 2 years of the plan's approval.

II. On July 1, 2019, and on July 1 every year thereafter, the superintendent of each school district shall report to the department of education each unused facility owned by the school district. The department shall establish and maintain a list of unused facilities owned by each school district and make such list available on the department's website. A school district may exclude an unused facility from the school district's annual report only once.

III. Pursuant to paragraph I, a school district shall offer an unused facility to a chartered public school for purchase or lease as follows:

(a) If a school district's school board extends an offer to purchase or lease an unused facility to a party, other than an approved chartered public school operating in this state, the contract shall include a provision which makes the purchase or lease subject to the right of first refusal by an approved chartered public school operating in this state.

(b)(1) If the offer to purchase or lease is accepted, the school district selling or leasing the unused facility shall, by first class certified mail, notify all approved chartered public schools in this state, as listed on the department of education's website, of the contract to purchase or lease the unused facility. The certified mail notice shall contain clear language that the unused facility is available to any approved chartered public school in this state only, and shall list the offering school district's name and location, the square footage of the unused facility, the contact information of the offering school district's representative, and the expiration date of the right of first refusal which shall be 60 days after the date of the certified mailing.

(2) The offering school district shall also post notice of the contract for the purchase or lease of an unused facility in a newspaper of statewide circulation for at least 5 days.

(3) A chartered public school that fails to exercise its right of first refusal shall forfeit such right as it pertains to the specific unused facility and any future right or interest in the specific unused facility.

(c) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall engage in, good faith negotiations for the purchase or lease of the unused facility.

(d) If 2 or more chartered public schools notify the offering school district indicating an interest in the unused facility, to lease or purchase, the offering school district shall make the final selection of the purchaser or lessee.

(e) The criteria used to evaluate parties interested in the purchase or lease of an unused facility shall be public information and shall not be subject to RSA 91-A.

IV. In right of first refusal negotiations with a chartered public school, it shall be the option of the offering school district whether to sell or lease the property under consideration, at fair market value or less, for a term to be agreed upon by the parties. A lease shall include ingress to and egress from the facility, and where a part of a facility is leased, the right to access and use of the common area shared by all tenants and users of the facility. If a chartered public school leases the entire facility, the chartered public school may incur debt to make improvements to the facility, and the school district shall subordinate its interest in the lease to such debt.

V. The chartered public school shall have 6 months after the date of making a written offer to complete the purchase or lease of the unused facility for a price negotiated with the school district.

VI. During the term of a lease, a chartered public school shall be responsible for direct expenses related to the facility or any part of the facility leased, including utilities, insurance, maintenance, property taxes, and repairs.

VII. If a chartered public school plans to sell an unused facility which it has purchased, it shall first offer the facility to the school district from which it was purchased. Such offer shall be governed by the procedures set forth in paragraphs III, IV, and V.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2019.

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

2018-1851s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs. The bill also makes unused school district facilities available to chartered public schools.

SENATOR GIUDA: Thank you, Mister President. As we all know, charter schools are an integral part of our public-school education system. And for that reason, if we have a traditional public-school district that has unused properties it'd be advantageous to the children who get a better education using the charter school system by their choice, for the school district of the charter school to be able to utilize those facilities. What this bill does is give that charter school district, or a charter school district, the right of first refusal if a school district chooses to sell or lease property, that is unused by definition in statute. This amendment takes away everything except the subordinated lease piece, the subordinated debt piece, because banks aren't going to do anything that would be a fatal poison pill to this bill, if we didn't ensure that the bank that might be lending the money wouldn't have as it always does in normal transactions, that priority position. This bill significantly reduces the strictures. I felt, as did the Senator from District 10, that the bill as originally amended introduced too much interference in the ability of the districts to negotiate and so this language is much, much less restrictive, allows the owning district if you will, puts requirements on them to notice that they are going to lease or sell the property but allows them to negotiate the terms. We don't put any time limits on it, we just say whatever the two parties can agree to. And we also add a clause that says if the charter school district chooses to sell the property or lease it, same conditions apply to the public-school entity. So turnabout is fair play. And so for those reasons Mister President, I would ask the body to approve this Floor Amendment that will do a great deal to move the education process of an integral part of our education system, the charter schools, forward for the kids that depend on them to get the education they need. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise and I don't see a lot of improvement in this amendment, so here I'll try again. Try line 9 on page 1. The definition of direct student instruction, 10 percent of the building. If any other part of the building is used by a pre-school, public or private, if any of the building is used by a community college or a career technical education center, it is not included in the definition of direct student instruction. Why? It doesn't make sense. And we want to pass this? It's a school building, it could be used by any educational institution and then why not? Why not let it be used for other community purposes, by not -for-profit entities in your communities, by government entities in your community. Why would we become so restrictive? Let's try paragraph 3, line 20. If you extend an offer for a purchase and lease on an unused facility, that dropped down to 22, it's subject to the right of first refusal by the charter public school. I've negotiated on things like this. It kills the lease; it kills the purchase. Nobody is going to give you a deposit that you're going to hold on to for six months, while somebody else is going to wait and exercise their right of first refusal. You've just killed a property transaction. If this was just about notification throughout the state, that was the one slice in this that I saw had some virtue. Yet we still come down to on page 2, line 19 and 20

which subordinates the interest of the public school in the least, when there's debt. Now I voted in favor of taking the restriction, the five-year restriction off charter school debt. That made sense. They're taking on buildings that might be 120 years old and need to enter into debt. But as soon as they enter into debt, this is saying, oh, subordinate the lease, subordinate the property to whoever has lent the money. Look, there are two principles at hand here that I find myself so much to the side of that I can't believe the body is not going to stand up for free market principles and for local control. This should be a decision at a local school district level, and this should enable the free market to determine who has the best proposal for the use of a school building if the school board decides that it ought to have additional uses. Well, in any case, I think that this amendment is not an improvement. I'm sorry that we passed the previous amendment, it's not helping this bill and I think we're, I'm in a quandary now with an amendment that's approved that I don't think is good and another amendment that I don't think does it much better. Thank you, Mister President.

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

SENATOR SANBORN: Senator, thanks for taking a question. I have two if the President would allow. The first one comes back to the question on page 9, Senator, where I understand my friend from District number 10 had some concerns about whether or not there was enough potential input from a school district as to whether or not the property could be used for other purposes. But I read in here on line 9 to line 10, the second half of that sentence was ...”and for which the school district has no school board approved written plan for future use”. So my question is, if the school wanted to use the property for something else, wouldn't this provide that catchall that the school board would say we have a property and although it's not being used to some degree over 10 percent but we're going to use it for kindergarten or daycare or some community service?

SENATOR GIUDA: I would interpret it that way. Certainly, what we're trying to accomplish here again, is to use school properties for the education of our children. At the end of the day, the tacit resistance to charter schools remains, despite the fact that those schools are now an integral part of this state's education system. And this does nothing more than enable a charter school, which has students in it that do not get what they need in traditional public schools, to gain an education to equip them for the travails of life moving forward earning a living and otherwise. And so, this, I am cured by the claim of free enterprise. I would support vouchers, would you? That's free enterprise. We don't, and so the answer to your question is, yes. Thank you.

SENATOR SANBORN: Thank you. Senator, thank you for taking my follow-up. Down on line 22 it also talks about the facts of right of first refusal of which my friend from District 10 indicates could create significant barriers and blow up a deal and Mister President, at this point I guess I have to declare that as business owner, I own real estate and condo associations that actually have right of first refusals so for twenty-five years of my life I've been dealing with these every couple of months so it seems. So would you believe that just because someone has a right of first refusal, that these rights of first refusal happen to commercial transactions every single day, and they just provide for that exception that someone has a right to either say yes or pass, and in virtually every case that I've ever heard of, you've got thirty or sixty days by which to make that decision?

SENATOR GIUDA: I would agree with that. Let me say again that the right of first refusal is not just a general, it's reserved to an education institution, a charter school that is an integral part of the state's education suite, the kids we're trying to educate. Thank you, Mister President.

SENATOR SANBORN: Thank you, Mister President.

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

SENATOR WATTERS: Thank you, Senator. As the sponsor knows and as you know from our discussions, I am generally a supporter of the possibility of finding a way to provide our public charter schools with use of facilities, but I have concerns about the process on this bill and some things that I wanted to ask you about. Is it the case that although there is a public hearing posted in the calendar on this non-germane amendment, that that hearing was never opened in Senate Education?

SENATOR KAHN: It's true that there was no testimony taken.

SENATOR WATTERS: Thank you. And second, another follow-up if I may. If we looked on page 1, lines 22 to 23, about the right of first refusal, by an approved charter public school operating in this state. Now I just wanted some clarification. Despite what it says about multiple possibilities on the second page, if two or more public schools, might it not be the case that if once they enter negotiations for one and they've got six months to try to close the deal and they can't that the one that was not selected might be able to then argue that they too can get in line, so we might have, and then might somebody else come along so this period where it's tied up in first refusals might extend for a considerable amount of time?

SENATOR KAHN: Yes. Thank you for the question, and in response to the answer that I just heard from, on a previous question, this is not thirty to sixty days right of first refusal. This is six months, and you're absolutely correct in saying that it could be multiple six months periods. That line there has some further interesting language in it relative to 91-A and disclosure of the conditions of previous agreements, which further just undermines the ability of the local school board to negotiate the best agreement which capital contracts would be exempt from 91-A.

SENATOR WATTERS: I was going to get to that one too, but first look down a few lines on line 27 about the certified mail notice here. Now isn't it absolutely clear, this is an unfunded mandate?

SENATOR KAHN: Yes.

SENATOR WATTERS: Thank you. And one more follow-up if I may. On this next page, if we may look at lines 12 to 13, do you share, could you elaborate on or do you share my astonishment at the fact that here we have a public school and a school board being exempted from 91-A in which issues of taxpayer dollars are being discussed?

SENATOR KAHN: I don't know the purpose for wanting to exempt property purchase or lease from 91-A.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to address the issue of 91-A. Let's be perfectly clear and read the language. It says that

the criteria used to evaluate the parties interested in the purchase of the lease. It doesn't say anything about the terms or the negotiations it just says this is what we're going to base our decision on. And that should be public knowledge. The mischief occurs if we don't make that public knowledge. The negotiations themselves, all the information remains under 91-A. But the criteria should be public so that everybody knows what the ball field is, what ball field they're playing. Thank you, Mister President.

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

SENATOR WATTERS: Thank you for taking my question and I may be just misunderstanding so I thought I was hearing a clarification there and if I was, I'd have to know more about it. It just seems to me, and my question, isn't this written to say that the criteria would not be subject to 91-A? So therefore, let's say the criteria whereby they selected whether they would enter into discussion and choose a charter school might be terrible, you know, or based on bad decisions and yet we're not going to know that because right to know won't cover it.

SENATOR GIUDA: I think that just the opposite is in fact true. That this says that the criteria. Okay, are not subject to 91-A. So it will be public. So if they are terrible, everyone will know that. Thank you for the question.

SENATOR WATTERS: Thank you, I guess.

The question is on the adoption of the Floor Amendment.

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

Recess. Out of recess.

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

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

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

Recess. Out of recess.

Senator Giuda moved to Lay on the Table HB 1636. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS

HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

Ought to Pass, Vote 3-2. Senator Birdsell for the committee.

SENATOR BIRDSSELL: Thank you Mr. President. I move House Bill 1264 Ought to Pass. This bill modifies the statutory definitions of "resident or inhabitant" and "residency or residency" with the removal of the phrase "for the indefinite future". In a recent court case, the State Supreme Court determined that those four words caused confusion for the public when considering the definition of resident or inhabitant. This bill simply removes those words. New Hampshire has a proven record of being the friendliest voting state and this bill does not change that. Everyone that could vote before this bill will be able to vote after this bill. I ask that you please support the majority of the committee's recommendation of Ought to Pass. Thank you, Mr. President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
May 2, 2018
2018-1890s
03/05

Floor Amendment to HB 1264

Amend the bill by replacing section 2 with the following:

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

SENATOR BIRDSSELL: Thank you, Mister President. This amendment simply changes the effective date to take effect July 1st of 2019. Based on the litigation of SB 3, we're hoping that it will be through litigation by that time. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Senator Birdsell for taking my question. Can you explain again the purpose of this effective date? Is it just to go to a committee of conference?

SENATOR BIRDSSELL: No, no. The change, because of the litigation with SB 3, we're anticipating that the litigation might be done by July 1st. So I want to make sure that the AG has enough people to work on it.

SENATOR FELTES: Okay. Thank you, thanks.

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

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

SENATOR FELTES: Thank you, Senator for taking my question. Last year the legislature passed your bill, Senate Bill 3 which was nineteen pages, purporting to tighten up voting laws. Why is this bill necessary, when we already passed Senate Bill 3?

SENATOR BIRDSSELL: This does something different. Basically this bill aligns us with frankly forty-nine other states in the nation. Forty-nine states equate residency with domicile with inhabitant. We're lining up with the rest of the forty-nine states.

SENATOR FELTES: Why wasn't this in Senate Bill 3?

SENATOR BIRDSSELL: This, Senate Bill 3 was a Senate Bill. This is a House Bill.

SENATOR FELTES: Thank you. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the pending motion and I do so for a number of reasons. This legislation changes the definition of resident by deleting a key phrase in our current statute, which says "for the indefinite future". This change is purported to be made to our election laws; however the change isn't made in the statutes relative to election laws. The change is made in the statutes relative to statutory construction, RSA 21. So what this bill would do is compel constitutionally eligible voters who may or may not have plans to stay in New Hampshire indefinitely to pay residency fees, specifically licensure and registration. Who are the people we're talking about? Well certainly students. They came out in droves to come to the hearing in opposition to this legislation, but this legislation would also impact various professionals, be they visiting professors, people working in the medical profession who come and stay for a duration. It would affect a large number of people.

And what are we really talking about? We're talking about legislation that would impose a post-election poll tax. You know, New Hampshire driver's licenses cost as much as \$50. Car registrations, anybody paid those lately? Several hundred dollars, depending on the type of vehicle you drive. The impact of those fees could have a chilling effect on constitutionally eligible voters decision to vote in New Hampshire, and if the costs alone don't have a chilling effect, the potential of knowing that the failure to pay these costs within sixty days means you've committed a crime and could be convicted of a misdemeanor, could be extraordinarily chilling, and could cause people to hesitate, and to pause and to perhaps not exercise their constitutional right. When a similar bill was heard last year before the Senate Election Law Committee, we were warned by the Attorney General's office that the definition of residency in the statutory construction chapter, change of that definition could have unanticipated consequences. For things like in-state tuition, to Fish and Game licenses and to many other parts, because although the proponents of this bill have said this is about voting in elections, that's not where the change is being made. The change is being made to our statutes across the board. And lastly, a lot of people have talked about our neighboring states, particularly Maine and Vermont. Well let me tell you what Maine and Vermont do with respect to this. Maine's secretary of state, Matthew Dunlap told the Bangor Daily News on March 8th that failure to comply with motor vehicle statutes after voting isn't a crime in Maine. And he's had to, on several occasions, clarify that point when others have tried to say that it was. In Vermont, the language of their statute states persons who live in the state for a particular purpose involving a defined period of time including students, migrant workers employed in seasonal occupations and persons employed under a contract with a fixed term are not residences for purposes of motor vehicle law only. My friends, this is an issue that as we said is being litigated and other pieces of legislation are being litigated. There are many, many questions. But I think what we can all agree on is that voting is a right. It is a fundamental constitutional right and all we are doing with these continuous pieces of legislation is trying to challenge and make it more difficult for residents of this state, for people of this state to exercise their right. I ask you to please vote against this legislation. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I think there's one thing we all agree on here and that is that voting is a constitutional right. Every single resident of New Hampshire has a constitutional right. I happen to live in a district, in District 5, where we have many, many people who will be and are being affected by this particular bill. We have in my town of Hanover and in the areas surrounding, professors who arrive, who don't know how long they'll be staying, they certainly can't say they'll be there indefinitely because they may not get tenure, which means they have to leave. They may be there for a year and discover that their spouse has a job somewhere else and they're going to leave. There is no way for anybody to say that they're going to be there indefinitely. We have hospital residents who are there from three to six years depending on what their specialty is. So they're going to be there for six years? They're not going to be considered residents or they're going to be afraid to register to vote. We also as you know have many undergraduates and graduate students, all of whom do not know how long they'll be there. They might be there for a minimum of four, they might

be there for a maximum of six to ten, depending on how long it takes, and we all know it takes a different length of time for people to finish graduate degrees. So these are all people I've mentioned who are renting homes, buying homes, living in my district. And they are spending a lot of money in our town and in our state. My town's eloquent town clerk, Betsy McClain said at the hearing many important things. One of the things she says is that she's getting calls from students about having to register their cars and therefore wanting to come off the voter rolls. So they don't have to pay exorbitant amounts to register their cars. That feels like people's voting rights are being suppressed to me. There's a perception of voter fraud, yes there's a perception we keep hearing of voter fraud. Just like saying it doesn't make it so, having a perception does not make it so. For heaven's sakes, we've got to stop saying that, well, we have to worry about the perceptions. Since when is that the way we operate in New Hampshire? Also, Betsy McClain said that in 2012, the voter registration forms stated a need for a license and many students decided not to vote because of that. Is this our goal, do you not want our best and brightest to be voting? I think you do not, and that is a real problem because they have a constitutional right and I think it'll be, with this passing it will be, there will be even more people who will not vote. So for that reason, Mister President, I urge you not to vote for House Bill 1264.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition. We make a lot of speeches here, about fundamental beliefs and fundamental values. What's the fundamental value of democracy? What's the basic fundamental value? It's the right to participate. It's the right to be part of a solution to a problem that evolves. Those problems evolve constantly and if indeed we restrict the number of people who can participate, we're creating another problem. We're creating a misconception that these people don't belong. When I first started in this business, I ran for the public office in 1972. In the town of Chester, you could not register to vote if you didn't have your passport or your birth certificate. I carry neither my passport or my birth certificate. And the polls used to open at eleven in the morning and close at five at night. Well guess what? Who didn't vote? The workers, because they were working in the morning and coming home late at night. We have made giant strides to improve the situation. Now we have some crazy perception that is being fed at the national level that we have enormous voter fraud. Not true, just not true. You know at one time we had a head and poll tax. Jeb, you and I remember that. Used to have to go to your city clerk and pay your head and poll tax, right? I remember that, ten bucks. We got rid of that because it was a problem. It was forcing somebody to pay for the right to vote. We have the right to vote. We have gone through a process in this country to create more and more opportunity. When I was in the South, before the Civil Rights Act passed, there was a real problem with the right to vote. A very significant problem. But we corrected that in '64 with the Civil Rights Act. Then we passed the Voting Rights Act. Many of our communities have been under scrutiny under the Voting Rights Act for a long period of time. And we talk about college kids and their participation in the process. Well we want them participating in the process. Who are the future citizens? Who's leaving our state? Isn't there an exodus of young people from our state? Sixty percent of our high school graduates choose another place to go to post-secondary education. What's the biggest age

cohort that we've lost in New Hampshire? It's the eighteen to twenty-five cohort. They're gone. Is the perception we don't want them? God, I hope not. Fortunately, mine have come back.

But why do we constantly try to create problems when problems don't exist? I think that's the issue, and that's the issue that we all think about. We work hard in this process to get people out to vote. Let's take a look at everybody's expenditure report. How much are you spending on direct mail, on radio, on television to get people to participate? And we all complain when they don't participate. And who doesn't participate? The younger people. We've got to stop the situation of putting roadblocks up. We've got to produce the open process and I thought we had done that in New Hampshire. We have uniform polling hours now, we never had that. We now have uniform polling hours. We have the ability to register, we have the ability to vote. Why do we try to in some way curtail that? That's a mystery. I'm not a mystery novel writer, but I'll tell you, that's one I'd like to solve. What's the mystery? What's so bad about letting people participate in the process? What is the harm in allowing people to be players? We all want to be players in the game. We don't want to be restricted one way or the other. We talk about colleges. Look at the colleges we have in New Hampshire. The post-secondary education institutions. We have Southern New Hampshire University, we've got Saint Anselm College, we have the New Hampshire Community College, I mean they're all functioning entities, the New Hampshire College of Art. We induce people to come in here because we have quality education. We want them to stay here. And by virtue of these things, we force people out. That's not a good premise. That's just not a good premise.

You know Mister President, as I age, and boy I'm working on that every day, I remember when I went to the south, when I saw colored bathrooms and white bathrooms. I saw that when I was in the service. That was awful. Talk about discrimination. We're all the same, aren't we? When my drill instructor, when we left the base, could not go into the same restaurant or the same bar that I did, that was pretty sick. Here he's training me when we're on the base to be a better person and by giving me his level of expertise and we can't have the same responsibilities when we're outside. We've corrected those things to some extent. We've got a long way to go, but it seems to me, the one way that we can correct all of this is voter participation. People participating in the process because they believe in the process and they believe that they can make a difference. And if we put a kibosh on that believability, we have created a situation that is just going to be negative and pervasive. We can't let that happen. Listen, we all live with the one basic ingredient, hope. Our hope is it's going to get better. We can't take that away from anybody, we cannot do that. So Mister President, I ask my colleagues and you know, as I said, I've learned how to count since I've been in this business. It was a lot easier when I was on the Council and we only had to count to three. You have to count to thirteen here. I don't know if I've ever turned a vote, but I'll tell you, I hope and pray that we can do it. This isn't good for us. It's not good for you, it's not good for your families, it's not good for the people you represent. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator D'Allesandro.)

SENATOR GANNON: Senator, my friend. Would you be surprised, you know I went to Saint Anselm College and back then when I was eighteen, I lived in Concord, Mass. That's where I was from, that's where

I have skin in the game, that's the town I knew. Would you believe that I voted in that town even though I was temporarily residing at Saint Anselm?

SENATOR D'ALLESANDRO: First of all, thank you for the question, thank you for the comment. You under the rules of the game could vote in Goffstown if you had not registered to vote in your hometown.

SENATOR GANNON: Would you believe that my son, Bill, who one day wants to be Governor here, isn't voting in Connecticut, where he is temporarily residing, because he views New Hampshire as his home and that the place that he's now residing is just a temporary occupation and he believes he should vote where he has skin in the game and resides in New Hampshire.

SENATOR D'ALLESANDRO: I thank you very much for the question and I think your son is exercising personal responsibility. Every person should be allowed to do that, and he does it. I applaud him, I applaud him for that.

SENATOR GANNON: So if someone from out of state is attending UNH and they don't really have skin in the game, they're only, they come here in September, you're telling me that a week or two later that they have an interest and understand New Hampshire enough to vote here?

SENATOR D'ALLESANDRO: Thank you for the question. I can't analyze every one of those students.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I too rise in opposition to the motion and you know having spoken at length with no discernible effect on Senate Bill 3, I'm not going to go back into why such restrictions are repugnant to the folks who founded our state and to freedom lovers since. But I did want to point most particularly to the potential consequence here on in-state tuition payment. Now, if you go back to the constitutional convention of 1774 and look at the report there where they original discussed domicile, inhabitant and resident. That's where all this came from. Now some were different then because there was a thirty day requirement then and they parsed out what's a domicile, what's resident, which is stronger and what's an inhabitant and the conclusion was that look, anybody who's been here for thirty days, demonstrates that they're an inhabitant and they should get to vote. Then they turned to the issue of well, what does it really mean to be domiciled here? And there's an interesting colloquy which they set up so they could talk about the issue of in-state college tuition, and they said that we must be sure not to tie our definition of domicile to taxation, because that would threaten the ability of the University of New Hampshire at that time to ask students to sign a contract or otherwise say that in-state tuition could not be claimed by someone who was from another state. Now, if we pass this, right, and it requires taxation. Then we have broached what was discussed in the constitutional convention about the defense of not letting students who are essentially citizens here, who vote here and pay taxes here not to claim in-state tuition. And I will note that I think that such students already would have standing to file a suit after they've voted and gone and registered their car. I think they now would have standing. But let me tell you, if we pass CACR 15 a little bit later today, you better believe they would have standing to bring that suit. And I would

advise actually a student that they go down and vote, register their car then they get together, file a class action suit or individual suits and go and claim that they can pay in-state tuition. What's the consequence of that? Well, I'll just speak for UNH, \$50 million, \$50 million, that's the out-of-state tuition. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition. I don't think that this bill is providing the kind of clarity that we ought to be bringing to our statutes and let me just give you a couple of examples. I went this week to the science student poster presentations at Keene State College. Great opportunity to see what students are doing in biogenetic research. Good stuff. I met a student from Concord, Anna. Anna is graduating this coming December, and she's going to enter the job market. Now she's from Concord. But this summer, I asked her what she's going to be doing this summer and she said well, I'm not really going to be registering for classes but I'm going to be working with my professor. I just want to continue my research before I take on my last semester in the fall. And it caused me to ask her, where do you feel is your home after nearly four years, is it Concord or is it Keene? She said I feel much more at home in Keene, alright? She's an in-state student. Where's she supposed to register? I mean are we discouraging her from declaring what her home is for the last four years? And if we were to discourage her from registering in Keene, isn't that in fact what my colleague from District 4 was just referring to, the basis of a constitutional challenge?

Here's another related story; I get this call this week or email this week from ARMI. ARMI is looking for employees that it can attract to the Manchester location, and they want to recruit Keene State College students. So, at what point is that Keene State College student trying to be recruited at ARMI considered to be eligible to vote in our state? It is personal judgement, it is something that the individual needs to determine for themselves. You know, we even eliminate, you know, if you registered in Keene and you register anywhere else in New Hampshire, we have an auto process. You're now de-registered from any other place that you previously might have been registered, because by virtue of having voted in that election. So we've got a cleanup process. And then the question of what happens if I did that internship that this student is trying to do, what if she went out of state for the summer? Is that a break in the residency? Is she questioning like my colleague from District 5 said about a faculty member or a student or doing any kind of externship that might require them to leave the state temporarily. And to the exclusion of all else. What if a parent claims me as dependent for tax purposes or for my financial aid or for my health care? Is that creating more confusion? We had an opportunity when we went through the hearings, our town clerks came out in droves. We should have asked them, is there a problem that we need to clean up and you know what their reaction to me has been is this seems like a solution in search of a problem. We've got 6600 people that support our election processes in this state every two years. It's, I'll borrow that word again, it's an army, it's a coterie of people who are well trained to make sure that you present evidence of a lease, of payments, of bills for that property that you in fact are living in the place that you claim that you're living. I don't see where this is any improvement on our process and I think that the terms that are used in 1264 are only adding confusion and not clarification.

tion to our voter registration process and in that respect, I don't think that we're supporting the people that we want to encourage to remain in our state, to become productive citizens, not just while they're here in school and adopting this as their home, but as they continue into the workforce. So I'm going to be voting against, I hope you'll join me in that. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. There's been a lot of discussion about intent, about for the foreseeable future. If we look at the statute and you have the statute in front of you, you've got the bill in front of you. It talks about a current intent for the foreseeable future. A lot of the things that the good Senator from District 5 mentioned about college presidents, actually are improved by taking away for the foreseeable future. Their status is no longer in question. They are a resident if their current intent is to declare the state of New Hampshire that place. And the statute used to say that place more than any other, right? I think part of what we're also doing is that, that privilege of voting sometimes comes, in forty-eight other states comes with some obligations in that state. We heard from the good Senator from District 18 that some of the states have tried to do away with that, and that's their privilege. We've moved out the effective date of this. There'll be twenty-four people sitting in this chamber that can introduce legislation similar to the state of Maine, Vermont if that's a thing you wanted to do. But with exercising that privilege comes obligations. One of the things that we can't do is we can't look at the databases combined together, the motor vehicle one and the registration one. Except when we're looking at juries. Does that mean anybody who registers to vote is now, doesn't have to be, you know, on a jury? We don't make you pay if you're on a jury, we actually pay you. Maybe not much. Most of the kids that did testify at the hearing did not have cars that were registered in their names in New Hampshire. The ones that did had to register that car somewhere. It was certainly clear that if it is registered in Maine or Massachusetts or Vermont, that they are not meeting that point, that New Hampshire is that place more than any other, to the abandonment of all others. It's not there. Now the thing about voting is, is that every citizen has the right to vote. They make a choice of where to vote. And with that choice comes obligations. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I didn't think I was going to speak but I feel that I must. We've heard a lot this afternoon about voting and I don't think there's any person in this room who believes that we should be not allowing people to vote. It is one of our fundamental constitutional rights. It is something that our founding fathers gave us so we don't have to pick up a rifle like they did and fight for their rights. We vote and that's very, very important. But also, within the constitution they gave states the right to set their own parameters about voting. Fast forward to 1984, the last constitutional convention we had. And it was during that constitutional convention, Mister President that the members decided to change the definition of residency and domicile because they believed domicile was a stronger term than residency. But unfortunately, what's happened since then, and it's been through a series of court decisions. It's been upended. The term "domicile" has been weakened. And what we see is an attempt over the years to re-strengthen that term "domicile". That one place

above all others that you call home. Now most of us, if not all of us, we chose to live here in New Hampshire. This is our home. We live here, we have our homes here, we've raised our families here. That's very important to us. But we don't have a choice as to where we vote. We have to vote where we live. The Senator from District 7's a good friend of mine. He does a great job in my opinion. I'd love to be able to go up to his district and vote for him. But if I was to show up, they would tell me go home. You don't live here; you can vote in Londonderry. And so I would go home and I would vote in Londonderry. But yet we have a group of people who say this is where I live but I don't have to register my car here, I don't have to get my license like everyone else in this room has to do. And yet we allow them to vote here. And I think that is the one sticking point, Mister President, with a lot of the people that live here in New Hampshire.

And let's talk a little bit about choice. We've had a lot of litigation over some of the bills that we've passed, and I've read the depositions, and there's one case that really stuck in my mind, and it was a young lady who was attending the University of New Hampshire, she was from Maine. Her first election while she was here, she made a conscious choice to vote in Maine. Why? Because there was an issue on the ballot that was very important to her, and she wanted her voice to be heard in Maine. So she did. Fast forward two years, she now has the choice. She's decided she wants to vote in New Hampshire. She still considers herself to be a resident of Maine, her car is still registered in Maine, her license still comes from Maine. But yet she wants to vote in New Hampshire because there's an issue that's very important to her, a person who's running for office that she believes in and she wants to vote for. Who in this room has that choice? We don't. I can't go to Massachusetts and say yeah, there's a really smart person running for office and I want to vote down there. I couldn't do that, and nobody in this room would be able to do that. There's one thing in here that I've heard over, that I haven't heard when we've had these discussions. And that is the term "absentee ballot". No one is preventing anyone from voting. Every single person has the ability to get an absentee ballot. Now, we have restrictions on that, Mister President. But if you come from Maine, you come from Massachusetts or you come from California and you find yourself here during an election time, you can get an absentee ballot from the state which you do call your home, and you can vote there. No one is suppressing the vote here in the state of New Hampshire. No one. I actively encourage people to vote. But you have to vote where you live. And the good Senator from District 20 asked, what's the harm? You know what the harm is? Is we have other people choosing who's going to represent us. That's the problem. And that's why I think there's so many New Hampshire citizens that are very angry about this and they want some change. They want it changed. So, Mister President I think I'm just going to stop here now because I think we've heard a lot of this already. So thank you very much, Mister President. I appreciate you taking the time to hear me.

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

SENATOR FELTES: Thank you, Senator for taking my question. You mentioned taking measures such as getting a driver's license and registering a car. How would this affect Granite State senior citizens, many of whom in assisted living facilities who don't have a driver's license and don't have a car?

SENATOR CARSON: Well, if they have declared New Hampshire to be their residency and they don't have a car and they don't have a license, they have to have some other proof that they live here in New Hampshire. That is my understanding of the law.

SENATOR FELTES: What would be that other proof?

SENATOR CARSON: Thank you for the question. They could probably get a statement from the assisted living facility in which they live that says that they live there in the facility.

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

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

SENATOR GRAY: Would you believe that there is an affidavit that any voter can sign, in fact four affidavits, one for their identification, one for their residency, one for their domicile and one for their citizenship, and not have any of those documents and still be allowed to vote in New Hampshire?

SENATOR FELTES: I would believe there's probably affidavits, very confusing like those that were passed in Senate Bill 3.

SENATOR GRAY: Thank you.

Senator Feltes moved to Lay on the Table HB 1264.

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Mister President, if you oppose procedural roadblocks to voting, would you now support this procedural roadblock to this bill?

PRESIDENT MORSE: If you're in favor of tabling, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

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

SENATOR BRADLEY: If I believe in clean elections would I vote against the tabling motion?

PRESIDENT MORSE: If you're in favor of tabling, you're going to say aye, if you're opposed, you're going to say nay.

A roll call was requested by Senator Soucy, seconded by Senator Avard. 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 Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the bill that is before us and I'm here to ask you, what is our fundamental obligation in this country? I believe our fundamental obligation in this country is to protect our democracy. And the best way to protect that democracy is to make sure that we encourage young citizens in this country and in this state to vote. We have seen over the last several years a number of initiatives that come forward all of which are trying to make it more difficult for young people to vote.

And what has been the genesis for these types of legislation? Because we have heard that there is a problem with fraud. The actuality is that we heard our assistant secretary of state say that there is a very limited amount of fraud. We heard that research has shown that over 3 million votes that have been looked at in this state, there was an insignificant number of cases of fraud and again how do you define fraud? Sometimes it's someone thinking they have the right to vote and discovering after the fact that they don't have the right to vote. But I believe that what we've done over the last several years is really hurt New Hampshire, which is the state that has, as you all know, the recognition as being the first in the nation primary. But these various efforts on the basis of fraud that doesn't exist have really changed the attitude of people who live here and people who look to us as one of the core states that ensures the democratic process, particularly being the first in the nation primary. I speak today as representing the University of New Hampshire and I urge you to look at the testimony that came before this committee for the hearing of this bill and how many students spoke out about how they felt discriminated against, how they felt rejected, how they felt that they weren't being heard and yet we want students to come to this state. We want them to go to our university systems at a time when we're seeing demographics change so that we're having fewer and fewer students. But at the same time by bringing forth these types of legislation, we are discouraging those students. They're going to say I don't want to come to New Hampshire. They're going to say, you know, I live here for sometimes as long as three-hundred days during the year. This is my home while I am a student here and the decisions that you make in this legislature are decisions that impact on where I am going to school and the community that I live in while I'm here. And I deserve the opportunity to choose whether I feel it's more important for me as a student to vote where I'm spending most of my time as opposed to perhaps voting where I grew up, but I may no longer have the same emotional attachment. So, you know, I find this incredibly disingenuous because the reality is, we haven't seen outrageous fraud. We haven't seen abuse of our election process in this state. And yet every time we bring a bill forth like this, it implies that our voting system is fraught with problems. I don't believe that's the case. I believe that it's bills like this that make people in New Hampshire think that our voting system is not working the way it should. We should be passing legislation in here in this body and across, in the other chamber, that enhances every individual's ability to vote. But if you look at the legislation that we've seen this year and has been voted down, whether we wanted to have online voter registration, rather we wanted to do away with Crosscheck which has proved to be unreliable, those bills have been voted down as well. So I'm just here today to say, I would urge you not to buy in to the false premise of this legislation and to vote against it. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to the motion. In the committee I referred to this as a stink bomb on our democracy. And as I listen to debate here, I think my assessment may need to change, it's more like a smoke bomb. Because the smoke is stinging our eyes and we can't see what the magician's hands are doing. Because what we're doing here in this legislation, very crafty, very cynical, but what it is doing, it is linking not the resident to the voter but the voter to an act that costs money, and that act being is a driver's license or registering a vehicle. But when the smoke clears, like it often

does and the wisdom arrives and the truth emerges sometimes from an unusual source, we get that strike of wisdom and let me share it with you. I hate it, it would never survive in a court. I hope this legislature kills it. I will never support anything that suppresses student vote. At the end of the day, it could result in suppression of the vote. And who said that? Who said that? It was our Governor, the Excellency, Governor Chris Sununu's comments. You don't have to believe me; you can look at the YouTube video. There it is, right there for all of us to look at, to consider. The bottom line is Mister President, is this is a right-wing ruse built on trumped up charges of voter fraud that we know are not true. And we remember a year ago, we talked about the President's Commission, the commission that really attacked our grassroots democracy, what we do great in New Hampshire. And the leader of that, Kris Kobach, in the news these days. KK got CC; contempt of court. The charade is over. We know what this is all about. Call it what you want. The fancy way of saying it is disenfranchise, but the bottom line is this bill, like others like it, is created to make it harder for certain people who don't typically support Republican Candidates from voting. It does it by creating complicated barriers, long forms, long lines and long lies. The target here is college students. And who wants it, we heard this is in great demand. How many people showed up to testify? Two in favor, two. Both happened to be from the secretary of state's office. No public citizens. And there's no plan to enforce it.

There was a great article written here in the *Union Leader*. I'll share it with you. As the state draws closer to enacting a residency requirement for voting, one question remains unanswered. How would the obligation pay New Hampshire driver's license and vehicle registration after voting be enforced? No one seems to know. Secretary of state's office says check with the Division of Motor Vehicles and what do they say? When our friend here from the *Union Leader* called and asked them, they said, it has no impact on the DMV operations. No money, no plan for enforcement, but certainly a plan to make it harder for people to vote, young people to vote. People we need here in the state of New Hampshire as we hemorrhage young people. We need to welcome and invite them into the process. Mister President, I was a civics teacher. And I taught my students that government is a distribution of power. And what is power, power is influence, and who gets it? Each of us get twenty-four, each twenty-four of us get an opportunity to have power in this body. And each citizen has an opportunity to have power in our government. And in this debate, my friend from the Seacoast, he used the term "skin in the game". Another friend from Bedford, during our committee said vested interest, we want voters to have a vested interest. Now I come from a small town, three generations. Every town meeting people get up and they preface their comments with I've been here so long, I ran against a longtime resident and criticized me, said who's this guy think he is, he's only been here three generations. But I had the audacity to run and lose. But when you look up the word "vested", what does that mean? I think it tells the story. Vested: fully unconditional guaranteed legal right, benefit, privilege. Established, secured, settled, not in a state of contingency. Doesn't that speak about the way our voting started? You owned land, you were a man, you didn't receive any welfare, you were the right religion, you could vote. And we slowly expanded it. Contingency. Now this group, we're saying you're not, if you're vested you are part of this other group. Now what is this other group, where the origination of this word vested? Contingency, uncertainty, accident, chance,

emergency. In accounting, incidental expense. Some of our voters are incidental expense. You know in the questioning; we make this sound so simple. We want to link these things, indefinite future. And one of the students was there, I believe was from Dartmouth, and I asked him what are your plans after graduation? He said I have no idea, no idea. And I said well, let's be a little closer, what's your plan for lunch? He had no idea. Indefinite future doesn't mean anything to me, I'm going to die where I'm from. I'm going to be planted right next to my family. That's where I'm going, that's where I'll be. But when you're twenty years old, life isn't quite as simple. Mister President, this is a bad idea and I hope we vote it down. Thank you.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I quickly rise in support of this bill. I want these students to vote. I want them to vote in our local elections. And I want them to elect or vote for the selectman and the select people that serve us. I want them to vote on local bonding issues. I want them to vote in the state and federal elections if they live here. And if they live here, I want them to get that \$50 million that they're overpaying for their tuition as out-of-state residents. So I'll be supporting this. Thank you very much.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. We've heard a lot of big words today so let me just go through some of the big words we've heard. "Voter suppression", "roadblocks", "confusion", "discrimination", "stink bomb", "smoke bomb", "cynical", "right-wing trumped-up charges", "attack on democracy", "a charade", "disenfranchisement" and "college students the target". I don't know about you my friend, it's inappropriate, it's wrong, it's divisive and you're better than that. So what are we trying to do here? No one's going to be denied the right to vote. Our friend from Derry or Hampstead, made that very clear. We're aligning ourselves with other states around us, we've made that very clear. We heard the same arguments about voter ID several years ago, that's widely accepted today and lastly, what I don't think has been brought up. The person that I believe has the most respect in this building, somebody that my friend from Manchester and I have nominated to be the secretary of state, says we need this bill. So we have a debate, but let's keep the language appropriate as opposed to some of these big words. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. We've heard a lot and I know people are getting tired and we've got a long day ahead of us but what I want to say is forty-nine states, forty-nine states equate residency with inhabitant with domicile, forty-nine. Twenty of those states actually, where a person, they twenty states, if a person registers to vote, claims domicile in New Hampshire, registers to vote here and votes, they lose their residency in their home state, including Maine, North Carolina, Louisiana. So this is not something that New Hampshire is trying to do, this is something that their home states are starting to care about. So for instance, the Maine student that the good Senator from District 14, she voted in Maine, then she voted in New Hampshire. If Maine had found out that she voted, she would have lost her residency in Maine. A Dartmouth college student voted, claimed domicile, voted in New Hampshire and the town clerk sent the information back to Penn-

sylvania. He lost his scholarship because it was a geographical based scholarship. So there are implications and the people putting this false narrative out are not being honest and they're not telling these kids that there are actually implications and ramifications if they do register in many states. If they do register here and vote here. And with that I'll end Mister President, and I hope that you can support the committee recommendation of Ought to Pass. Thank you.

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

SENATOR FELTES: Thank you very much, Senator. We heard talk about other states, but New Hampshire's constitution is different than other states and are you familiar with the case *Newburger v Petersen*? Court found that college students have a constitutional right to vote in New Hampshire, where they live regardless of whether they intend to live in New Hampshire indefinitely. Are you aware of that, and what is your response to that?

SENATOR BIRDSELL: I am aware of that, but their home states are not our constitution. So it's their home state that they have to worry about.

SENATOR FELTES: Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: A quick thing to speak. I promise it'll be quick. I just want to say, you know the talk about big words and all, the most insulting thing I have heard today, is when people are asking and questioning our honesty and integrity in fighting this. So I want you to know, saying we're being dishonest is by far the biggest insult I heard today. Thank you.

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: 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, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.

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

Senate Executive Departments and Administration

April 25, 2018

2018-1776s

05/10

Amendment to HB 1254

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

AN ACT establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire and repealing the joint legislative oversight committee on the emergency management system.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Repeal. RSA 21-P:51, relative to the joint legislative committee on the emergency management system, is repealed.

2018-1776s

AMENDED ANALYSIS

This bill establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code. The bill also repeals the joint legislative committee on the emergency management system.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1254 Ought to Pass with Amendment. The bill as amended, establishes a committee to study procedures for the adoption of national codes as part of the state building code and state fire code. The study committee will solicit information and testimony from any individual, agency, or organization deemed relevant to the study. In addition, the bill repeals the Joint Legislative Oversight Committee on the Emergency Management System. The ED&A Committee voted favorably, Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mr. President.

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

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

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

Sen. Daniels, Dist 11

Sen. Avard, Dist 12

Sen. Sanborn, Dist 9

Sen. Innis, Dist 24

Sen. Reagan, Dist 17

May 2, 2018

2018-1887s

05/10

Floor Amendment to HB 1254

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

AN ACT establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 and 7 to read as 7 and 8, respectively:

6 State Building Code and State Fire Code; Moratorium on the Adoption of Changes Pending the Legislative Study. Notwithstanding RSA 155-A:10, V, or any other provision of law to the contrary, no amendment to the state building code or state fire code shall be made prior to November 1, 2018, unless legislation is brought forth in either chamber

based on the findings and recommendations of the study committee established in sections 1-5 of this act, in which case the moratorium shall continue until such legislation has been enacted or rejected.

2018-1887s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code.

II. Establishes a moratorium on the adoption of changes to the state building code and state fire code pending the finding of the study committee.

III. Repeals the joint legislative committee on the emergency management system.

SENATOR GIUDA: Thank you, Mister President. In that the codes enactment and enforcement process is under question and has caused problems for significant numbers of our businesses and homeowners, this amendment would establish a moratorium on any additional code changes until such time as the study committee is complete and the filing period is done at the end of this year, or if bills are introduced, until such time as those bills are disposed of. And that would be the essence of the amendment, I would ask for your support, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and perhaps we'll hear from the chair of the ED&A Committee on this one but let me just mention as a former member of that, I really think that this is a very precipitous move. We are going to establish a committee; we'll look at this. But, if we tie the hands of our fire departments and our building inspectors for the next how long, well what happens? Let's say that a new emergent threat come up does it identified, you know, that there's, we suddenly find that there's some kind of a piece of equipment or we suddenly find there's some chemical, or we suddenly find that there's emergent danger that's what we have the fire codes for and our fire chiefs for is to say wait a minute. And we know there are many examples. What if we have, you know, new instance of kind of mold treatment or what if, you know, just think of the things that can go wrong in a house or materials that we find, think back when there's aluminum wiring, huh? And now we're saying well, we won't let you deal with any emergencies if anything comes up, we're just going to wait until this commission. I think there are legitimate questions to be raised that you're asking about fire codes and building codes but let the commission do its work. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to answer my good colleague from District number 5. There are provisions, emergency provisions in statute so that if there does, there is something that happens, they will be able to adopt the codes. This is I believe in part a reaction to something that happened last year where one of our boards arbitrarily adopted all the code updates without legislative input. There was a bit of going back and forth and back and forth because the attorney for that board felt that they had the authority to do that. So I rise to support this amendment, Mister President. I think that this work will be good, and they will straighten this out and I hope I've answered my friend from District 5. Thank you very much. Oh 4, excuse me.

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

SENATOR FRENCH: This might prevent what happened several years ago possibly and we had to put sprinkler systems in all new single-family construction and then had to fight and change all over it. Is that true?

SENATOR GIUDA: That is true.

SENATOR FRENCH: Great, 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 Third Reading.

HB 1310, establishing a committee to study all non-regulatory boards and commissions.

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

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1310 Inexpedient to Legislate. This legislation would create a committee to study all non-regulatory boards and commissions to determine which entities are still needed and which may be repealed or amended. A circuit court decision in North Carolina states that regulatory boards consisting of members of the profession which includes almost all of our states, are subject to federal anti-trust law if they do not have independent supervision. Presently, New Hampshire, we provide supervision through our committees and through the rules process. The majority of the committee believes this study is not necessary at the present time, thus the vote of Inexpedient to Legislate. Please join the ED&A Committee in their recommendation. Thank you, Mister President.

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

HB 1327, relative to apprentice electricians.

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

Senate Executive Departments and Administration

April 25, 2018

2018-1780s

10/05

Amendment to HB 1327

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Supervision of Apprentice Electricians. Amend RSA 319-C by inserting after section 2 the following new section:

319-C:2-a Supervision of Apprentice Electricians.

I. A journeyman electrician may have 2 apprentice electricians under his or her direct supervision beginning on the first anniversary of the journeyman electrician's initial date of licensure.

II. Each journeyman electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 3 journeyman electricians per work site. Each additional journeyman electrician may have one apprentice electrician under his or her direct supervision.

III. Each master electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 6 master electricians per work site. Each additional master electrician may have one apprentice electrician under his or her direct supervision.

IV. The maximum number of licensed electricians with 2 apprentice electricians working under their direct supervision on a work site shall not exceed 6.

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

SENATOR GANNON: Thank you, Mister President. I move House Bill 1327 electrifying and Ought to Pass with Amendment. This bill, as amended, will change the number of apprentices that a journeyman electrician can have working under his direct supervision. During the testimony, the committee heard the rising age of electricians in the state is of great concern, and not enough younger people are getting into the trade. Currently, most electricians in the state are shockingly between the ages of 50 and 70, with many beginning to look at retirement. Sounds good to me. This legislation will enable a journeyman to bring additional apprentice electricians into the field under direct supervision. Apprentice electricians require four to five years of training, four years of schooling and one year of on-the-job training. By allowing journeymen and master electricians to both supervise apprentice electricians, more young people will have an opportunity to move forward in this charged field. This legislation will become effective upon its passage. So flip the switch on, the ED&A Committee voted Ought to Pass with Amendment and asks for your support. Thank you, Mr. President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I voted in favor of the Ought to Pass and I want to ask my colleagues to vote that down. We had a lot of testimony for and against and honestly, I was back and forth with this. You know there was a lot of things going on. This past week I had a lot of conversations with people in the field and it came back to this. I mean I came from this industry and the thing we always broke with with teaching, the way I teach is safety first, safety first. And with that we have the one on one training, on the job training. That's the best way to learn. I know it seems like a small number; you're going from one to two. But with on the job training with one on one training like that you're losing 50 percent of your time training. And that's a safety problem, I think. And I'm not talking residential work. We have our outlets in our homes, that's not what I'm talking here. I'm talking more commercial and industrial jobs where you need that adequate supervision. Where if you make a mistake then, that could be your last mistake. You have to have very good supervision in those situations. Another concern was the reciprocal licensing with Massachusetts. We've tried and we've heard a lot of times during the committee hearing that we had the licensing board member from Massachusetts coming up. I was trying to get some kind of commitment from them that they were okay with this. I haven't been able to. That's concerning to me, because if they stop that reciprocal licensing, our electricians won't be able to work in Massachusetts, and that could be a huge problem. So I looked up what we have in New Hampshire. For New Hampshire residents, there's with out of state licensing, there's 5,008 New Hampshire residents that can work out of state. I don't think they're all working in Massachusetts, but I'd say the majority are. If we lose that reciprocal licensing, that's a problem. I'd like to get some letter or something from that board saying they're okay with this but I haven't been able to. Because of that, it's very much a concern. It could be devastating for these people that are going down there and contractors I've spoken to, that they only bid jobs with their electricians to go down

to Mass because it's more money. So, it's a concern and that's why I'm asking to overturn this committee recommendation for Ought to Pass. 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 French.

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

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

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

Senator Kahn moved to Lay on the Table HB 1327. Failed.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I'd like to bring some scale of concern here, of the 5,008 people who are reciprocally licensed to work in Massachusetts, this is out of a total of a little over 6,000. So this isn't 5,000 out of 50,000, this is 5,000 out of 6,000. So I urge you to defeat this measure before we have thousands of people unable to work or people that we're able to bring into the state because of the reciprocity agreement.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'm a little surprised at some of the discussion here today. We did discuss the reciprocity, and we were told that it really was not an issue. I know that the good Senator from District 16 would like to get a letter, but the folks from Massachusetts have been coming up and they've been meeting with the boards here, and we were told that this was not an issue. They're trying to get young people to get into the electrician's field because they know that all of these folks are getting older, and they don't have young people coming up. So I'm just surprised that this has come up. I don't believe that the reciprocity is in danger. If it was, the folks that work in this industry would have told us that it was a big problem. Thank you very much, Mister President.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1472, relative to the state building code provisions for energy conservation in new building construction.

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

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1472 Ought to Pass. This bill clarifies the administration of the state building code by repealing the entirety of RSA 155-D, energy conservation in new buildings. This statute was first adopted in 1979. The statewide building code including more modern provisions related to energy efficiency and conservation was subsequently adopted in 2002 and codified in

RSA 155-A. This bill transfers the necessary energy code administrative provisions in RSA 155-D to RSA 155-A and will serve to simplify overlapping statutes. The ED&A Committee recommends House Bill 1472 be adopted and asks for your support. Thank you, Mister President.

Recess. Out of recess.

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

HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.

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

Senate Executive Departments and Administration

April 25, 2018

2018-1778s

10/05

Amendment to HB 1530

Amend RSA 328-F:18-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the office of licensed allied health professionals.

Amend RSA 328-F:18-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Pending the results of a criminal history record check, an applicant for licensure may be employed in a profession of the allied health field on a conditional basis for up to 90 calendar days before the office of licensed allied health professionals receives the results of a criminal history record check required for licensure, if the conditional employee:

(a) Is under the direct supervision of a licensee;

(b) Has provided a written attestation to the employer and the board that no disqualifying criminal history exists; and

(c) The allied health governing board is not a member of an interstate licensure compact.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1530 Ought to Pass with Amendment. HB 1530, as amended, intends to give applicants for licensure with the Health Professional Governing Board a choice in having a criminal background check in one of two ways. They could provide an individual criminal background check from every state the applicant has resided, or have, I'm thinking of domicile when I say resided, or have been licensed in for the past six years, or a one-stop shopping for a Federal Bureau of Investigation background check. Today, licensees are mobile and could be licensed in multiple states. The FBI looks at it national, as opposed to the state, which only looks at New Hampshire. For those applicants who are more mobile, the FBI background check may be a better choice. As the bill came out of the House, as amended, the legislation would only have applied to those individuals reinstating their licenses. Changes made here will open up a conditional license while waiting for the background check and will not hold an applicant up from licensure. Questions would still have to be

answered on their application as to whether or not they have a criminal history. The ED&A Committee recommends HB 1530 be adopted and asks for your support. Thank you, Mister President.

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

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

HB 1545, relative to the statewide interoperability executive committee. Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Executive Departments and Administration

April 25, 2018

2018-1777s

05/10

Amendment to HB 1545

Amend RSA 21-P:48, IV(gg) as inserted by section 1 of the bill by replacing it with the following:

(gg) The director of fire standards and training and emergency medical services, or designee.

Amend RSA 21-P:48, IV(ii)-(kk) as inserted by section 1 of the bill by replacing them with the following:

(ii) The commissioner of the department of information technology, or designee.

(jj) The commissioner of the department of corrections, or designee.

(kk) Not more than 2 representatives of private, broadband technology-related businesses, appointed by the executive management group.

(ll) Not more than 2 representatives of the university of New Hampshire broadband technology-related business, appointed by the executive management group of the SIEC.

(mm) Not more than 7 subject matter experts, based on the identified need of the SIEC, appointed by the executive management group.

SENATOR GANNON: Thank you, Mister President. I and the sounds of trumpets that are attached to this bill move the House Bill 1545 Ought to Pass with Amendment and flourishing. This bill, as amended, revised the membership of the Statewide Interoperability Executive Committee known as SIEC, and the committee's Executive Management Group, EMG. It expands the people involved and sets up the EMG with subcommittees to focus on issues they need to deal with, one of which includes funding. SIEC is actively engaged with many successes over the last couple of years, and with the addition of individuals to the committee, it will be more representative of the public safety community, addressing the needs of the radio communications interoperability throughout the state. The ED&A Committee recommends HB 1545 be adopted and asks for your support. Thank you, Mister President.

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

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

HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system.

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

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1603, Inexpedient to Legislate. This bill would have required one of the members of the Independent Investment Committee of the retirement system to be an active member employee. The Independent Investment Committee was established by statute in January 2009. It is a 5-member committee which manages investments based on the trustees' policies, continuously monitors and evaluates performance, and makes determinations regarding the hiring and retention of fund managers. The committee consists of three public members and two representatives of the Board of Trustees. By law, all Independent Investment Committee members must have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. Data compiled by the retirement system's investment consultants show that over the five, six, seven, and eight years ending June 20, 2009, a time where the Board of Trustees made investment decisions, the total fund performance was outperformed by more than half of all public retirement plans. So the New Hampshire system at that time was in the bottom half of all retirement system investments. The New Hampshire Retirement System's investment performance since the creation of the IIC has been exceptionally strong. For the five, six, seven, and eight years ending June 20, 2017, a period of time where the Independent Investment Committee made the investment decisions, the New Hampshire Retirement System outperformed 90 percent of public plans. In addition, this matter came before the Decennial Retirement Commission and they chose not to make changes at this time. The ED & A committee believe the data speaks for itself, and the evidence shows that Independent Investment Committee is working favorably. Please join the ED&A Committee recommendation of ITL on HB 1603. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the motion. This legislation does one very simple thing. It adds, not adds but it changes one of the members of a five-member commission. It doesn't do away with the Independent Investment Committee, it merely says that one of those members shall be someone with, what did I hear earlier? Skin in the game. A vested interest. If that's true with respect to voting, it should be true with respect to retirement as well. It would be great to have someone with skin in the game sitting at the table. Let me also mention that currently the statute says, each member of the committee shall have substantial experience in the field of institutional investment or finance other than their experience as a trustee in the system, taking into account factors such as education, background, business experience, professional licensure and designations. That would apply to this member. All this says is that the Governor can appoint from a list provided by several organizations who all have members within the retirement system. This is a very simple change and something that we should all embrace, and I ask my colleagues to vote down this motion so that we can offer an Ought to Pass. Thank you, Mister President.

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

SENATOR GANNON: Thank you then for taking my question. Wasn't this done before, weren't there more members on this board and it didn't perform as well and it was, I heard a lot of rumblings that it's before my time, the board didn't function well and wasn't as profitable, with a much bigger, more rambunctious crowd?

SENATOR CARSON: Thank you very much for the question. You are correct. There were problems with the investment board. In fact, one of our former colleagues, the districts have changed but, Senator Harold Janeway came to see me and basically said, please don't add any more members, don't mess around with it because it's working really well. And that was the decision of the Decennial Commission was just leave it alone, it's working. There was one problem that did come up that I have to do a little bit of research on. We were informed that the executive sessions were not open to members of the public, and that's where the decisions are made. And that process should be open to the members of the public. So I have to find out if that's true or not and we'll take it from there. But you are correct in your assumption.

SENATOR GANNON: Thank you, Senator. 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 Avard.

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

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

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

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.

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

SENATOR GANNON: Thank you, Mister President. I move House Bill 1805 Ought to Pass. This bill will establish a committee to study the level dollar amortization of retirement system unfunded accrued liability. Presently, the system is based on payments which are percentages of the payroll, rather than a fixed dollar amount. This study is a recommendation of the Decennial Retirement Commission. This bill will also change the terms of retirement system trustees from two to three years. This was a request from the board, noting it takes a while for a new trustee to get up to speed on all matters they deal with. A three-year term is more appropriate for this position. The ED&A Committee voted favorably, Ought to Pass, and asks for your support in their recommendation. Thank you, Mister President.

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

JUDICIARY

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

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

SENATOR CARSON: Thank you very much, Mister President. I move House Bill 135 Inexpedient to Legislate. This bill would permit the parties in a divorce case to request a continuance if evidence is not submitted prior to the hearing. The passage of this bill would put an unnecessary restraint on the courts, as these decisions should be left up to the court's rulemaking procedures. It is not the role or responsibility of the legislature to dictate a judge's decision or discretion. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 135. Thank you very much, Mister President.

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

Senator Avarad is in opposition to the motion of Inexpedient to Legislate on HB 135.

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

Interim Study, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 476 be Referred to Interim Study. This bill would modify the duties of the registers of probate and the duties of the probate division of the circuit court. It would also require the county delegations to determine the salary and benefits of registrars of probate. The committee did not find any compelling reason to make these changes to the registrars of probate's role. However, by moving this bill to Interim Study, it provides the opportunity for individuals to further examine this issue and answer some outstanding concerns the committee had regarding the setting of the salary and the workspace that would be required for these individuals. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 476. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I would ask the Senate to vote down the committee recommendation so that an alternate motion can be made. In speaking of this, the committee said that they need to study this more. This bill or its grandparent was House Bill 1513, introduced in 2016. That was sent to a study committee, the study committee recommended further legislation, 11-0. And the new bill, House Bill 476 was introduced in 2017. It was sent to Judiciary for study, came out of Judiciary as Ought to Pass, 11-6, voted on the House 198-145, than sent to Finance, where Finance studied the bill and came out with a recommendation Ought to Pass as Amended 23-1 and then that bill was voted on the House floor with a voice vote. I want to go to the testimony, the written testimony from Judge Kelly. Page 2 of that testimony has the following paragraph:

Having said all that, as I said at the outset, we have worked hard with the opponents of this bill both to understand their concerns and to do our best despite our strong opposition, to craft compromises and correct what we saw to be deficiencies. What you have in front of you is the product of that work. Without waiving our opposition to the bill, we have offered several amendments and with your indulgence, Madam Chair, I would specifically articulate our position on those key points.

So again, I was quoting from Judge Kelly in the testimony. So Mister President, we took Judge Kelly's amendments, took them down to legislative services and said include them all. Include every one of his desires in that bill. And that is how you see 1663 in front of you now. There is one change in there, besides that, and that has to do with the printing of these notices in the newspaper or in the legislative website.

PRESIDENT MORSE: Senator, 1663 is not before us right now. Just so you know.

SENATOR GRAY: I would ask everyone so that I might speak to 1663, the current motion so that 1663 can be presented.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President, and please bear with me because I've got a lot here. We're all going to go in that old way back machine, if any of you listen to some of the radio you might recognize that term. We're going to go back to 2011, when in front of the Senate Judiciary Committee we had House Bill 609. And 609 was the product of a commission that was put together and started by John Broderick, Chief Justice Broderick and then continued by Chief Justice Dalianis, that basically was an innovation commission. And it was put together of judges, businesspeople, legislators, lawyers and people from outside the system, in order to modernize our court system. And in that testimony, Judge Kelly said the charge of the commission was essentially to deconstruct the court system as we have it today and then reconstruct it using twenty-first century business models, best practices, whatever efficiencies we could find and the use of technology. Now if we were to go forward, excuse me at that same time, Chief Justice Dalianis, in speaking about the registrars of probate, because there were questions about what's going to happen to these people. And Chief Justice said we changed the definition of the duties of registers of probate in a way to, how to say it, make the system more rational. Because at this point elected registers are sort of court employees and not sort of court employees, and some of them didn't pay much attention to the way that we needed or wanted business to be done. And it seemed to us to make more sense to have the people managing those courts, be people who are accountable to us, the courts. And for that reason, the duties of the registrars were pared back to essentially nothing. Because if they don't do it, we do it anyway. Now again, going back to Judge Kelly's testimony at that time. Hold on, I just need to find it. It says in speaking about the register of the probate, that constitutional amendment concerning the registrars of probate was put into effect in 1877, so it wasn't all the way back to the eighteenth century, and it hadn't changed. The duties, nothing had changed during that time period. And he said, if you look at the secretary of state's website and they've served as the clerks of the court for probate court since then, meaning the registrars of probate. It's not a good system. I can tell you having been a judge in the system for twenty-one years, and an administrative judge for four years, that having elected officials serving as your managers, is bad for two reasons.

The first reason is that some of them tend to act independently, which means I'm not going to fill out leave slips, I'm not going to be accountable for my time. You tell me to use this form, well I don't like this form and I'm not going to use it. So it's hard to develop consistency among the ten courts which has been a problem. The second and equally significant problem is that they have to run for reelection every two years and while we've had some fantastic registrars that are subjected to being voted out of office, and especially that the average voter doesn't know what the registrar of probate actually does. We have had registrars of probate sign up to run saying, you know, I'm running because I have a nephew who was on probation once, and I want to run for registrar of probate. So we've had candidates who really don't understand what that job is. Essentially it says that the registrar of probate will be a registrar, and this is speaking to the changes that were eventually passed. We cannot have our managers elected. If you were running a business, you wouldn't say the best way to pick the manager of that business is to have an election, and the people elected them. It just doesn't work. The position has changed, and they've met with the registrars over the summer and they explained what they were doing, and they ended up hiring most of

the current registrars into these new clerks of the court position. Now, what's happened since then? Well, there has been significant cost savings, and it is working well. As you can imagine, we had a system that dated back to 1877, and changing that, you were going to have a difficult time period. And they did go through a difficult time period where things were delayed. But according to the testimony that we received, that is no longer the issue, especially since they've moved to e-Court. They're claiming two weeks is the most that it takes. There are kiosks in every courthouse, and individuals are there to assist people that come in and need the help.

Commissioner Arlinghaus is in opposition to the funding scheme that is within the bill. The courts do not intend to use state dollars to provide the laptops and the computers to the registrar of probates. So, the bill tells the court that they are going to have to provide the equipment for the registrar of probates including laptops and computers. The court does not have the time and the staff to take someone with no background and train them the way they would train their own staff. They said they would allow them to attend ongoing training. The courts cannot allow registrars in the clerk's offices. We also heard from the registrar of deeds in Rockingham County. She doesn't want them in her office, because one of the proposals was to put them within the registrar of deeds' office. There's also the unresolved issue of rulemaking. The court created a series of court rules that now would be out of date or negated if we were to pass this. They'll have to go through court rulemaking again to reflect those changes. Not all counties support this. I think that's important. Coos County testified that they don't want to do this, and Rockingham County contacted me and said the same thing, that they're not interested in doing this. I have questions, whether or not this is really downshifting, because what we're saying is the counties have to set the salaries. Well in 1984, the state took that over and the state set the salaries. Does anybody know what the salary per year of a registrar of probate was in the state of New Hampshire? I'm sure, Senator you do. But anywhere between 50,000 to \$70,000 per year, depending upon their experience. Who wants to go home and tell their constituents they raised county taxes to pay for this? It is downshifting costs. We have had over a million dollars in efficiencies. And we will receive another \$345,000 by 2019. I can't go home to my constituents and tell them well, we're just going to, the money that we've saved is just throwing it out the window because now we have to go back to the way we used to do it. For, Mister President, no good reason that was articulated in the public hearing. We've also, the courts have also seen \$13 million in revenue which has been used to renovate our courthouses across the state. They haven't come to Finance and asked for money. They're spending the money that they have received from these fees to renovate the courthouse.

Mister President, there's a lot of other reasons, and again I think the most important one was we did not hear a reason why we have to go back to the old way of doing things. It's working. We did have testimony, one of the Representatives had told us, we'll wait ten years then you can go back to doing it the way that you're doing it now. Why would we do that? Why do we have to keep spending the money? Why do we have to keep putting the money in change and innovation and making these things more modern? And then have to turn around and roll it all back. Because there's a perception or because in the beginning, Mister President, people had difficulty getting things through the probate. That is not the case today Mister President. It's working, it's working well, and I would ask

the committee, because of the problems that I articulated, that we put it into Interim Study and allow the folks that really want to do this to come up with answers. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in strong support of this bill. We'll talk about money and we'll talk about efficiencies. At the end of the day, we struck down an attempt to change the constitution, okay? You may reconstruct the course, but you may not reconstruct the constitution and the rights that are guaranteed to the elderly or those who have estates to be settled. This position was put in that constitution for a very good reason and that was to provide commoners the ability to oversee a court that could perpetrate significant mischief in the settlement of estates. The court appoints the administrators, the court appoints the lawyers to oversee, the court then judges, there's potential for mischief. Money is not an issue here. It's the purity of the process and the right of an ordinary person, not to have to contend with dealing with the clerk of the court or a judge but having an advocate, that'll help them through a process at a trying time in their life. And so the court doesn't like this. There's a good reason, it's the same reason they don't like jury nullification, so they don't issue instructions on it. It puts the power in the hands of the people it was intended to be in, the common citizens, the ordinary people of our state. The juries in this case are representative of a person in a very critical financial transaction which mischief can, and in the past has been perpetrated. So for that reason I would ask you to support the Committee Amendment and let's keep the process in the hands of the people not the courts. Thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. To try and go through some of the points from, brought up by the good Senator from District 14. Court employees and Judge King at the time there was a ongoing battle that was covered in the newspapers between one of the registrars of probate and Judge King at the time. And certainly, we took that into consideration in drafting this bill. Is that it did not work when the court was not in charge of those people. And I meant it, I mean that's a problem and so we did something about it. And we'll talk more about that in a minute. Elected managers. Right now, in the bill, if you go in and look, then the registrar of probate and the duties that are described in the bill don't manage that. They oversee what's going on in the probate court and try to assist in resolving any issues that come up. So there is no responsibility from the courts to the registrar of probate or of it. Cost savings. Cost savings is interesting. Who's saving the money? I know that when my mother passed away, that I had to pay more months of rent while we adjudicated some of the things that were going through the probate court. I couldn't do anything with her possessions in her house and I had to maintain them according to what I was told. I had to pay that rent. In fact, when I tried to cancel her cable subscription, I had to show up at their office with a death certificate saying, hey, you know, come on. So there are expenses when the process is delayed, and part of that delay is that if I send in the form and I get it back and say well, gee, you didn't fill this out. And then I turn it in and I get it back and they say well, gee you should say this different. The constitution has an interesting thing about the convenience of the people and it's Article 80 Part 2. And I'll let you read the whole thing but it's talking about the judges of the probate court shall hold their court at such place or

places on such fixed days as the convenience of the people may require. And the legislature from time to time support. We made changes back in 2011, no doubt about it. Were those the right changes, were they right for the people? Does an individual whose mother, father is in a nursing home, have to pay for that nursing home for additional months because they don't have any executor assigned? Is that two weeks that the Judge Kelly talked about, from the time we've gotten all the information into the computer, or is it from the time they started? There's a lot of things going on there. Funding. We talked about that the certain individuals don't like the funding situation. That is addressed in Judge Kelly's request for changes. Training ongoing. I'm willing to accept that. I've got no problem with that. Rules. How do the rules change when all I'm doing is having someone oversee and help an individual when they come in? In fact, it should make it easier for the folks, not harder.

Coos County, Rockingham County. The bill has provisions in it that make it optional. If the county convention does not go and invoke the salary for these individuals, the money stays in the court, the court doesn't have to pay it. Hmm. Raise taxes. Well, the Kelly delegation, the way it is, if we look at the amount of money that they get, and one of the things that has been brought up is that Coos County would only get \$4,265, but remember that they have the lowest number of cases filed also. That may be, you know, four hours a week. But it may be the four hours that are convenient to the person who's trying to file that case. Other courts would receive 27,000, 33,000, 8,900, 12,000 various things. But at no time does that county convention have to provide a salary other than what they choose to provide. And based on those estimates, that should be fine. So raising taxes that would be up to the county convention. No good reason. We talked about the convenience. We talked about the money that you save. It is interesting that when I went and looked at the website, the website that it leads you to has thirty different bullet points on there for you to click on when you're trying to file. Thirty different points. And when you go to the video, which isn't one of those thirty, where Judge King is providing guidance, thirty-seven seconds into there before he has described any of the assistance that you can get to fill this out without hiring an attorney. He says you may want to hire an attorney; you can do that by contacting the bar. Okay, well, interesting. Ten years. Well, certainly Representative from House Finance that said that, said that we need something right now. We, you know, there ought to be some help that these people can get and take advantage of. I can tell you, and this system has been equated to TurboTax, I can tell you that in the city of Rochester and Farmington, there are 720 people who go to the library or go to the Holy Rosary Credit Union in Farmington to have their taxes done, not because it isn't free, but because they want assistance, they want somebody to help. Others have said it's easy to do the system. How many times have you gotten trained on a computer program and when the person sitting next to you and says click here, click here, click here and it's a snap. But as soon as they walk away, oh jeez, they come back oh, you didn't touch this menu, you have to go there to get that, you have to go over here to get that. That's what's happening. And if you want to make an appointment according to the Judge King's testimony, excuse me, Judge Kelly's testimony, Concord. You've got to go to Concord. We've taken, we had fifty-two people when we did this in 2011, of those fifty-two people, ten of those were the registrars of probate. We're down to eighteen right now.

His testimony also talks about reducing eight I believe and then seven, it looks like from the call center. Again, we are making the court very efficient, very cost effective, again I admit it, but at what cost? It's at the cost of that person who has just lost a loved one and is supposed to file this thing within thirty days and they get a choice of whether to do it or go hire an attorney. You, you twenty-four people, twenty-three people, because I have to exclude myself if I do, right? Voted the constitutional amendment down 6-17. Okay, so what are you going to do with that position? Are you just going to just still have it out there? What are you going to do with it? Should do something with it, either give it some duties or ask the court to do something. Again, there is a purpose for this. The court and the reason I believe that the registrar of probate was set up in the first place and that there's a specific provision in the constitution that says that the courts can appoint their courts, probate excepted is because they want someone independent overseeing the courts. Let's give them that. Let's vote down the committee recommendation so that we can submit an alternate motion. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much for allowing me to speak again, Mister President. There's a couple things that I would like to discuss. I mentioned that there were kiosks. These kiosks are located, there's one in every court in the state of New Hampshire. They are staffed by court members and in the bigger, in the cities, there's more than one person that's in that kiosk to provide assistance to anybody who comes in and who needs it. So it's not like someone's sitting in front of a computer trying to figure out how to do this. There are people available to help individuals get through the process, okay? There was comments made about well, the constitutional amendment. You're right. It failed. But there are duties that have been assigned to the registrar of probate and that is in keeping historical records and I think that that is something that the Interim Study can take a look at because I do think that it needs direction and I do think that it needs to be defined. So I do think that there's something to do there. But again, their job is to keep the historical records. Now my good friend from District 6 talked about the fight, the court fight. And you're right, there was a court fight. But the court fight was overpay. Because the changes in 2011 were rolled into the budget and as you know, the budget tends to take effect right away. So you had registrars of probate that were about, you know, almost halfway through their terms and all of a sudden they found their pay drop as the registrar of probate in Rockingham County, who led the lawsuit, from over \$70,000 a year to \$100 a year. I think anybody would sue over that issue, and they won, and they got their salaries for the two years.

Now we've talked a little bit about the people who get elected to protect the people. And again, I want to refer you to the testimony we had in the public hearing. We had testimony that there was a person who was elected from a nursing home and never went to work. We had a young man in college whose friends as a joke wrote him in as the registrar of probate up in Grafton County. How is that helping the people? And I had also talked about the other testimony that we had gotten that somebody ran because their nephew was on probation and they thought they could do something about it by being the registrar of probate. The court has taken this over to provide consistency. We did not have one member of the public, we had legislators come in and talk about this, but not one

member of the public come in and say that they were harmed. Not one. So again, I ask you why, why do we have to go back to the old way of doing things? Because it makes some people feel comfortable because they don't understand the process. There are people there to help them through the process. It's a difficult time for people when you lose a loved one and now you've got the responsibility of probating their estate. It is serious and it needs to be taken seriously and some people do need to have attorneys. But what do you do if we go back to the old way of doing things, and you go down to get this done and the registrar of probate isn't there? It's not a day that they work. They only work a few days a week. And what if they don't show up at all? The court's going to do it anyway. Mister President, I see no good reason to go back to the old way of doing things. It's working, it's efficient, it's doing what they told us they wanted to do. I am not someone who sees the courts as corrupt and they're stealing little old ladies' estates. We did not hear testimony from anyone saying that their estates were tampered with. None. And I would like to think that our judges and the people that work for our court systems are held to the highest ideals, and they do do their jobs and they do them very, very, very well. This is an outdated position. Let's keep them as the keepers of ancient records and historical records, but the court has done a very good job of taking this over. And so, Mister President, I would ask this body to support the committee decision of Interim Study. Thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Mister President, I rise in support of my colleague, Senator Gray and I say this. I was around when the probate situation evolved. I know what happened when there was action taken by the court to get rid of the probate and make \$100 as a salary. But let me tell you this, until you've been an executor of an estate, you don't know what it is to go through the process. We only have one probate judge left. One left, where we had ten at one time. He's a terrific judge I think he does a great job but there's only one, there's only one left. I have received a number of calls from people whose estates or estates of family are in the process and it's taking a long period of time to get things done. I think the way this was put together originally was not, it just wasn't a good situation. I think it deserves looking at and looking over. I think the Senator has worked diligently to try to put this together. I hope we would support him in his desire to make the situation better. Thank you, Mister President.

Senator Sanborn moved to call the question. Adopted.

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

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Ward, Kahn, Daniels, Lasky, Carson, Feltes, Cavanaugh, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Gray, French, Sanborn, Avard, Reagan, Soucy, Birdsell, D'Allesandro.

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

HB 1295, relative to persons held in civil contempt.

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

SENATOR CARSON: Sorry, Mister President. Thank you, Mr. President. I move House Bill 1295 Inexpedient to Legislate. This bill would declare that no person shall be incarcerated for civil contempt without there being a finding that the person has liquid assets to satisfy the contempt penalty. The majority of the committee determined that policies such as these should not be determined by the legislature, but rather should remain in the court's purview of rulemaking. Therefore, please support the majority of the Judiciary Committee in the motion of Inexpedient to Legislate on House Bill 1295. Thank you, Mister President.

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

HB 1319, prohibiting discrimination based on gender identity.
Interim Study, Vote 3-2. Senator French for the committee.

Senator Bradley presiding.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1319 be referred to Interim Study. This bill would prohibit discrimination based on gender identity and define gender identity. Although no one within this body believes in discrimination, there are many unanswered questions within this bill. Beyond whether or not this type of discrimination is already covered under the classification of sex, there are also many questions regarding the language within the definition itself. Specifically, there is concern regarding the language surrounding medical records, whether or not transgender individuals would be stripped of their privacy rights and forced to turn over their medical records. All of these questions need more time and study to determine the best path forward in the New Hampshire way. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 1319. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. This bill is two words, gender identity. That's it. Two words. And that's really what we're going to fight about for a little while. Those two words affect 4,500 people in our state. You may not know any of them. I only met the first transgender person that I ever met in the last year. I don't understand. I'll admit that. Just as many of you don't understand me. But that's not what we're asking for in this particular bill. We want everyone in our state to have the opportunity to live free or die. We believe that hard working Granite Staters should be treated fairly and equally under the law, that's why we're here. House Bill 1319 simply updates our existing non-discrimination laws which protect people from discrimination at work, in housing and in places open to the public. And it will also affect transgender people. New Hampshire is the only state in New England, the only state in New England that does not have this protection in place. Over thirty years ago Minneapolis was the first city to do it. Since then, eighteen states and two-hundred additional municipalities have adopted the same measures. These laws are necessary because of the pervasive discrimination that transgender people face at work, at home and in public. I'm not transgender, but ten, twenty years ago, I experienced these discriminations. They're painful and it's not what we're about as citizens of New Hampshire. Our state is at its strongest when we're free to work hard, earn a decent living, go about our lives without fear of discrimination. That's what this bill is about. We've updated our state's laws over the decades to ensure that people don't face discrimination

simply because of their gender, their age, their race or their sexual orientation. Gender's there. We want to add gender identity. This isn't hard. We need to do the same for our transgender constituents. It's common sense legislation, ensures they're treated fairly with dignity and can live their lives freely, just like the rest of us.

Eighty-two percent of Fortune 500 companies have non-discrimination policies that explicitly protect transgender people. Four out of five. You could make a commercial for toothpaste with that. Businesses, it's that pervasive. Businesses know that treating transgendered employees with dignity and respect is not only the right thing to do, it's good for the bottom line. Pretty smart people. That's why leading business voices like the New Hampshire Business and Industry Association, Eastern Bank, Harvard Pilgrim are calling for this bill's passage. In the eighteen states and two-hundred towns that have these protections, we've seen no increase in frivolous lawsuits or concerns from employers. The legislature has an opportunity today to make it crystal clear that all businesses are expected to treat their employees fairly and the current case law and federal regulations provide protection to transgender people, just as they do to the rest of us. Under House Bill 1319, to allay a couple of fears, a man absolutely cannot pretend to be transgendered in order to enter a women's bathroom to harm or harass anyone. Not only is that already illegal under existing law, it'll be considered improper purpose, which is prohibited by language in 1319. The reality of discrimination against transgender people isn't up for debate, and a vote to remove accommodations from House Bill 1319 to vote to intentionally allow discrimination to continue in New Hampshire, doesn't make sense. It would be unspeakably shameful to make the same mistake that North Carolina made just a few years ago. Discrimination is wrong, and we know that anti-transgender discrimination leads to irreparable economic and personal damage. Final statement. I'm supported by New Hampshire's anti-discrimination law right now. It wasn't the case some years ago, but I am now. Am I better than the transgender people, here? No. I'm not, absolutely not. So let's give them the same protections that I enjoy and that the rest of us enjoy. It's the right thing to do and I urge you, please overturn ITL, or Interim Study rather, so we can offer an Ought to Pass motion. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister Chair. Mister President, Pro Temp President. I want everyone to have basic human rights. I think every Senator in this room wants the transgenders to have an equal rights. I spoke with many of these same people during our seven-hour hearing and they heard at my house, my daughter, one of her two best friends is a little boy who looks female, dresses female, and she is as welcome as anyone else in the neighborhood in my house. During that testimony, we heard terrible stories of housing discrimination, employment discrimination, even the denial of services in restaurants. It was disgusting, it was terrible to hear, and I apologize to all those people who went through those injustices. I offered to write an amendment giving this group a protected class status, in all but public accommodations. They, their lobbyist and Senators on the other side have turned me down and I understand they want full rights. But there's another problem here. There's another group. I believe that other people also have an interest here, a privacy right that this bill is going to infringe on the privacy of others. This bill would remove the privacy rights of

my three young daughters in their locker room, it would remove it from my wife at her gym, and my ninety-one-year-old mother when she goes to a restaurant with over twenty-five people. It puts the rights of one group over that of another. It negates my right as a father to protect my daughter's privacy or her innocence at school. Adding gender identity as a protected class negates the protection for privacy afforded to girls and boys at UNH. A female seventeen-year-old freshman would no longer be assured that a roommate is of the same biological sex. There's other problems. Boys would now be allowed to play on girls' sports teams, transgenders would, and they'd be competing for scholarships that are set aside for female athletes like my daughters, hurting the women's movement. I do not believe that it's in the best interest. Again, I supported everything except the accommodations. I don't think my daughters in their locker room, my wife at her gym should have to disrobe in the presence of people who are biologically and technically the opposite sex. I don't think that's where New Hampshire's ready to go at this time. And so I support the ITL. Thank you, Mister President.

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

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

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

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

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Cavanaugh is in opposition to the motion of Interim Study on HB 1319.

Senator Reagan moved Ought to Pass.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: So I worked and lived in Baltimore, Maryland, a city that was 50 percent white and 50 percent black. And a particularly hilarious statement you could make in a mostly mixed-race fire station was to say yeah, I have a lot of friends that are black. And this is the kind of statement we hear, that yes, I'm all for equal protection for people, because I like a lot of them, but not that much. So a legitimate function of government, and probably the only legitimate function of government, is to provide protection. That's why we ever all got together in the first place, was to provide for mutual protection. So it's legitimate for the government to hire police, set up courts, build prisons, to guarantee the safety of the citizens in whatever grouping we happen to be in. So if we're not willing to, without sly suggestions, support anti-discrimination on anybody for whatever reason, then we don't guarantee it to anybody, because if we don't do it this time, what do we do six months from now, what do we do next year? Who falls out of our protection, who do we then like and put in our protection? So it's either we don't discriminate or we sort of don't discriminate, but we really do. So I urge my colleagues to support the Ought to Pass motion.

PRESIDING OFFICER SENATOR BRADLEY: Before we get to that, as a matter of personal privilege I want to apologize to our friend Senator Cavanaugh. I did not see that he was out of the room when the roll call was called. My fault, my apologies.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to urge this body to vote Ought to Pass on House Bill 1319. House Bill 1319 is a commonsense New Hampshire bill. It would assure transgender people are protected from discrimination in employment, access to housing, in public spaces such as restaurants, shops and government buildings. This legislation ensures transgender people are treated fairly and with dignity under our laws, so that just like every other Granite Stater, they have the freedom to live their lives fully. I call this a New Hampshire bill because we Granite Staters have always valued freedom and opportunity for all our citizens. House Bill 1319 simply updates our laws so that our transgender neighbors, friends and loved ones have the same protections under the law that the rest of us enjoy. We have updated our laws over the past decades to ensure people don't face discrimination, simply because of their gender, their age, their race or their sexual orientation. It's time now to do the same for our transgender neighbors. The Senate Judiciary Committee heard over six hours of testimony from transgender people and others talking about how the very real discrimination they have faced. They've been denied housing, been fired from jobs, asked to leave restaurants and other public places, simply because of who they are. And then adding insult to injury, lawyers with experience in this field have testified consistently that they can't help them because the statute is not clear. House Bill 1319 gives clarity. As our colleague from District 24 has stated, we trust the experts, the Chiefs of Police Association, the Women's Foundation all have endorsed House Bill 1319 because they know it will not put anyone in harm's way. Prohibiting discrimination does not weaken laws against assault, nor compromise their enforcement. The New Hampshire Business and Industry Association voted unanimously to support 1319 saying inclusion will make New Hampshire's economy more competitive. Other groups, Harvard Pilgrim, the Children's Caucus, the Children's Behavioral Health Collaborative and the New Hampshire Human Rights Commission have all endorsed the passage of House Bill 1319. House Bill 1319 is opposite from what you've heard, will make us all safer. The truth is we all value privacy and safety in restrooms. Including our transgender friends. And it's already as stated before but it needs to be repeated, illegal to commit a crime in a restroom. Laws related to discrimination will not change that. House Bill 1319 will not increase or allow loopholes for criminals. It's been proven in over eighteen states and over two-hundred towns that have these laws in place, that there has been no uptick in safety concerns whatsoever. It is a non-issue.

There are thousands of transgender people living and working in our communities among us every day, but despite growing public awareness and public support for them, they still face a disproportionate rate of discrimination, harassment and violence in their lives. Once again, it is time now. There is no reason to continue to study this. It's time to make New Hampshire truly the Live Free or Die state, where we are all free to work hard, earn a decent living, love who we choose and raise our families accordingly. House Bill 1319 gives all of our citizens the right to simply live their lives without fear of discrimination because of who they truly are. Please don't leave here today denying, continuing to deny, a segment of our population, the rights each and every one of us enjoy. Just because we may not understand or relate to who they truly are. They are us. The bottom line is, they are us and I am proud to stand here and ask you to join me in voting Ought to Pass on House Bill 1319. Thank you, Mister President.

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

SENATOR DANIELS: Throughout the legislation, wherever it's mentioned is age, sex, race, creed, color, marital status, physical mental disability, so forth and so on, we're adding in gender identity. On line 5 and line 7 on page 5 of the legislation, you do not add that in and I'm curious as to why you can discriminate in those areas but not in all the others?

SENATOR LASKY: I don't have the bill, I'm sorry, I don't have the—

SENATOR DANIELS: Starting on line 5.

SENATOR LASKY: I can't answer that.

SENATOR DANIELS: If we're going to pass that, don't you think that that ought to be fixed?

SENATOR LASKY: I don't necessarily need it. It is my understanding it has been looked at and gone through with various lawyers and whatever and perhaps in those two lines it doesn't need to be referred to in that way.

SENATOR DANIELS: Thank you, Mister President.

A roll call was requested by Senator Feltes, seconded by Senator D'Allesandro.

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

The following Senators voted No: Giuda, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse, Gannon.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading. President Morse presiding.

HB 1347, relative to information to be included in the minutes under the right-to-know law.

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

Senate Judiciary

April 24, 2018

2018-1720s

01/05

Amendment to HB 1347

Amend RSA 91-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. ***The names of the members who made or seconded each motion shall be recorded in the minutes.*** Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall

be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1347 Ought to Pass with Amendment. This bill will require that the names of individuals who made and seconded a motion during deliberations under the right-to-know law will be recorded in the minutes. By including this information as a part of the minutes, there will be increased transparency for the public, without adding too high a burden to the job of the clerk. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1347. 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 1372, prohibiting the implanting of subcutaneous identification devices in individuals.

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

Senate Judiciary
April 24, 2018
2018-1734s
08/10

Amendment to HB 1372

Amend RSA 644:22, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) "Subcutaneous" means existing or introduced under the skin. For purposes of this section, subcutaneous shall not include information temporarily attached to the skin by means of an adhesive strip or bracelet upon which or within which personal information is maintained or stored.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1372 Ought to Pass with Amendment. This bill will prohibit the implanting

of subcutaneous identification devices in individuals. As technology continues to advance, our laws need to keep pace in order to ensure that an individual's privacies and rights are protected. By adopting this bill, we will enshrine in our statutes that an individual cannot be compelled or required to get a microchip if that individual does not want one. This will apply in the public and private sectors, with the exemption for incarcerated individuals. Although this concept may seem years off from today, it is essential to have these laws in place now as technology changes every single day. The committee did amend the bill to clarify the definition of "subcutaneous" and to ensure that the use of hospital or nursing home bracelets would not unintentionally fall under this. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1372. 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 1443, relative to a jury's determination as to the applicability of a law. Inexpedient to Legislate, Vote 4-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move House Bill 1443 Inexpedient to Legislate. This bill would require the court to instruct jurors in every case that the jury determines the applicability of the law to the facts of the case. A jury is meant to decide whether the state has proven its case beyond a reasonable doubt based on the laws that the legislature passes. However, by enacting this legislation, the prosecutor would be required to prove in every case that a law is just and reasonable. Current statute already allows for a nullification defense if the defendant asks for the instruction to be given, and a judge can give further instruction at their discretion. Ultimately, passing this bill would create a nullification defense in every case, rather than only in the rare cases, making the jury judge the validity of all laws. Therefore, please join the majority of the Judiciary Committee in the motion of Inexpedient to Legislate on House Bill 1443. Thank you, Mister President.

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

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

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

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

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

HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity. Interim Study, Vote 2-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1627-FN be Interim Studied. This bill would establish penalties for transmitting images or sounds of an individual on private property without consent, or to engage in surveillance of another without consent, and amends one of the criteria used to establish "course of conduct" under the stalking statute. Although privacy within one's home and property is a paramount aspect of life in New Hampshire, the language within this bill needs more examination to ensure that it is appropriately crafted to avoid unintended consequences and captures all of the relevant, ever-advancing technology

possible. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Interim Study on House Bill 1627-FN. Thank you, Mister President.

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

PUBLIC AND MUNICIPAL AFFAIRS

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

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

Recess. Out of recess.

SENATOR BIRDSSELL: Thank you, Mister President. I move House Bill 1307 Inexpedient to Legislate. 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, Senate Bill 342 was already passed by the Senate and deals with this issue in a less burdensome way and with more clarity. I ask that you please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Yes, I ask you to overturn the committee's recommendation. After the passage of the House Bill, I met with the House staff and they made two small changes that will be submitted as an amendment if you overturn the recommendation of the committee.

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

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

The following Senators voted Yes: Giuda, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Gannon, Innis, Morse.

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

Senator Gray moved Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

April 23, 2018

2018-1691s

06/05

Amendment to HB 1307

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

AN ACT relative to the first session of annual meetings.

Amend RSA 40:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article, including warrant articles pertaining to the operating budget and the default budget. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

Amend RSA 40:13, IX(c) as inserted by section 2 of the bill by replacing it with the following:

(c) "Contracts" as used in this subdivision means contracts previously approved, in the amount so approved, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.
2018-1691s

AMENDED ANALYSIS

This bill requires explanation and debate of warrant articles pertaining to the operating budget and default budget at the deliberative session.

SENATOR GRAY: The amendment said, again, the inconsistency down on line 17, the third to the last word in that sentence in the amendment is "a" and in the previous version it was the word "the." That is because certain articles could get passed in a prior year and not pass in the prior year and so that that was the other change in that is line 9 including warrant articles pertaining to the operating budget and default budget. I would ask you to support the amendment.

The question is on the adoption of Floor Amendment 1691. Adopted.

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

PRESIDENT MORSE: The next two bills require roll calls and it will take 15 to pass them.

RULES AND ENROLLED BILLS

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

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

SENATOR AVARD: Thank you, Mister President. I move CACR 15 Ought to Pass. This Constitutional Amendment restores to the taxpayers of the state of New Hampshire the legal ability to bring certain lawsuits relating to the spending of public funds by the state or political subdivision in which the taxpayers reside. In doing so, our taxpayers will have a broader access to the courts and a greater ability to ensure governmental accountability. As the New Hampshire Supreme Court noted several decades ago, every taxpayer has a vital interest in proper government, regardless of whether his or her purse is specifically affected. Until relatively recent, the New Hampshire Supreme Court recognized taxpayer standing. This amendment will assure that this important taxpayer right will continue to be recognized and enforced. Please join the committee in voting for CACR 15 Ought to Pass. Thank you, Mister President.

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

SENATOR FELTES: Thank you very much for taking my question. Senator, this CACR restores long standing taxpayer standing and ensures access to justice in cases challenging actions of our government, would you believe?

SENATOR AVARD: Okay.

SENATOR FELTES: Is that a yes?

SENATOR AVARD: I would believe.

SENATOR FELTES: Okay, thank you.

SENATOR AVARD: Thank you for the question.

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

PRESIDENT MORSE: A roll call is required.

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

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

Roll Call, Yeas: 20 - Nays: 4. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

CACR 16, relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.

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

SENATOR FULLER CLARK: Thank you very much, Mister President. I move CACR 16 Ought to Pass. This Constitutional Amendment is a necessary response to the technological and scientific era of genetic research. It fills the gap in the New Hampshire constitution regarding individual protection from government intrusion in personal and private information. The imposition of this burden will in no way hinder the government's ability to function. Access to personal and private information for which the government has probable cause will still be accessible via a search warrant. This amendment is necessary to take back an individual's privacy in personal and private information in response to the growing prevalence and capacity of technology, particularly with regard to the internet and electronic information. Please join the committee in voting CACR 16 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise to express the need for some caution on this amendment. I know that it came through the House by one vote. I think there were a lot of concerns raised over there, and you read the hearing report and I think an essential point is made. Despite the assurances about search warrants and so forth, do note that the language that we're using here, "natural essential and inherent". These are the strongest possible terms that go back centuries in jurisprudence and constitutional law, back particularly to John Locke. And I think that this language really needs to be, the consequences need to be considered. Because I think there's a potential here for many, many necessary functions of government to be preempted because of the inclusion of those three words.

Secondly, there was some concern raised about the definitions of "private" or "personal" information. Now both of those terms, "private information" and "personal information". Now we saw reference to medical records and various things that I, you know, of course, we do need to protect this and we passed some legislation about, you know, people's DNA samples should be not distributed or given to other people without the consent of the person whose sample it is. I mean, these are the kinds of things we should and attend to in legislation, but private or personal, just exactly what does that cover? Something that's private or personal to one person maybe vastly expansive compared to what it is to someone else, and I don't know what we do but to invite incredible amounts of litigation here

on each of those and how is it constitutionally that we're going to be able to determine that? I think in some ways we; you know, I do trust the voters. I voted for the last one. I have some concern, but I think the voters are going to sort that one out. I don't think we should send something to the voters which is such a conundrum. We have a responsibility here to answer those kinds of questions on what is private, what is personal. Especially if we're going to give them the status of natural essential and inherent. So I think we ought to have enough of us here voting against this so that it can be considered more thoroughly and see if we really aren't able to do this in statute. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would rise in support of this CACR, although I do share some of the concerns that my colleague from District number 4. I think in the constitution we establish a basis and a premise and then we allow this legislature and our comrades across the way to establish in statute the meaning of those terms and that when those statutes fall short, the courts will adjudicate those meanings as well. That's been the history of our jurisprudence over time. So while I would agree that we need caution I also agree that we have the power to define those terms ourselves. And that will flow from this amendment. Thank you, Mister President.

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

PRESIDENT MORSE: A roll call is required.

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

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

Roll Call, Yeas: 15 - Nays: 9. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

PRESIDENT MORSE: Senator Reagan. On CACR 15 how do you believe you voted?

SENATOR REAGAN: I believe I voted yes, and I have a note on my calendar that I voted yes.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.: Rescind Order to Third Reading and Reconsider the vote on Ought to Pass. Adopted.

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

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

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 by necessary 3/5 vote. Resolution ordered to Third Reading.

HB 1243, relative to exemptions from property attachments. Interim Study, Vote 3-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1243 Refer to Interim Study. This bill increases the value of an automobile that is exempt from attachment from 4,000 to \$10,000. This exemption hasn't been increased for several years. The credit unions felt this increase was too much, too fast. The committee would like some more time to take a closer look. And rather than setting a hard and arbitrary figure of \$10,000, perhaps a better option might be to base the exemption on a percentage of the automobile value. We can take a look at this if you would join the committee in voting House Bill 1243 Refer to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I respectfully disagree with the referral to Interim Study. I think an increase in the exemption for 4,000 to 10,000 makes good sense in terms of repossession vehicles in terms of the collection process and just reflects the modern day. It hasn't been updated in a long time so I think this makes good sense and it will protect people in the process. Thank you, Mister President.

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

TRANSPORTATION

HB 314, relative to autonomous vehicles.

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

Senate Transportation

April 18, 2018

2018-1646s

03/10

Amendment to HB 314

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

AN ACT establishing an automated and connected vehicle testing and deployment commission.

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

1 New Subdivision; Automated and Connected Vehicle Testing and Deployment Commission. Amend RSA 265 by inserting after section 161 the following new subdivision:

Automated and Connected Vehicle Testing and Deployment Commission

265:162 Automated and Connected Vehicle Testing and Deployment Commission.

I. There is established an automated and connected vehicle testing and deployment commission.

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

- (a) The director of the office of strategic initiatives, or designee.
- (b) The commissioner of the department of transportation, or designee.
- (c) The commissioner of the department of safety, or designee.
- (d) The commissioner of the insurance department, or designee.
- (e) The director of the division of economic development, or designee.

(f) The director of the division of state police, or designee.

(g) The director of the division of motor vehicles, or designee.

(h) Three members of the house of representatives, one of whom shall be a member of the minority party, appointed by of the speaker of the house of representatives.

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

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

IV. To prepare the state for the use of automated vehicle technologies on public roadways, the commission shall:

(a) Follow developments in the testing and deployment of automated and connected vehicle technology, including both federal and state laws, regulations, and guidance on the subject.

(b) Identify all agencies with pertinent jurisdiction to support the testing and deployment of automated and connected vehicles.

(c) Consider avenues to encourage the development of automated and connected vehicles technologies and their component hardware and software in New Hampshire, and to that end, shall work with both universities and companies in the sector to support innovation and development.

(d) Examine ways to educate residents on the benefits of automated and connected vehicle technologies, including enhanced mobility, increased safety, more efficient land use, expanded roadway capacity, and reduced environmental impact.

(e) Review existing state statutes and administrative rules and identify existing statutes or rules that impede the testing and deployment of automated and connected vehicles; such review shall include, but not be limited to, existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, drivers' licenses, and general rules of the road.

(f) Solicit input from representatives of:

(1) New Hampshire colleges and universities.

(2) Disabled communities.

(3) Elder communities.

(4) Public transportation providers.

(5) Automated and connected vehicle manufacturers.

(6) Automated and connected vehicle technology suppliers.

(7) Automobile dealers.

(8) The trucking industry.

(9) Urban planning professionals.

(10) Any other relevant actors with expertise or interest in the area of automated and connected vehicle technologies.

V. The commission shall be chaired by the director of the office of strategic initiatives, or his or her designee. The first meeting of the commission shall be called by the chairperson and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its initial findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2018, and provide annual reports thereafter every December 1. Such annual reports shall include a summary of commission activities during the period, and may include recommendations for legislative and regulatory consideration.

2 Repeal. RSA 265:162, relative to the automated and connected vehicle testing and deployment commission, is repealed.

3 Effective Date.

I. Section 2 of the act shall take effect December 2, 2022.

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

2018-1646s

AMENDED ANALYSIS

This bill establishes an automated and connected vehicle testing and deployment commission.

SENATOR CAVANAUGH: Thank you, Mister President. I move that House Bill 314 Ought to Pass with Amendment. As amended by the committee, this bill would establish an automated and connected vehicle testing and deployment commission. This commission would follow developments in the testing and deployment of automated vehicles and their connected technology and would consider avenues to encourage the development of this industry. Further, the commission would examine ways to educate the public about these vehicles and review existing statutes pertaining to relevant issues. Therefore, all members of the Transportation Committee ask for your support in the motion Ought to Pass with Amendment on House Bill 314. Thank you, Mister President.

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

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

April 30, 2018

2018-1832s

03/05

Floor Amendment to HB 314

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

AN ACT establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

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

1 New Subdivision; Automated and Connected Vehicle Testing and Deployment Commission. Amend RSA 265 by inserting after section 161 the following new subdivision:

Automated and Connected Vehicle Testing and Deployment Commission

265:162 Automated and Connected Vehicle Testing and Deployment Commission.

I. There is established an automated and connected vehicle testing and deployment commission.

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

- (a) The director of the office of strategic initiatives, or designee.
- (b) The commissioner of the department of transportation, or designee.
- (c) The commissioner of the department of safety, or designee.
- (d) The commissioner of the insurance department, or designee.
- (e) The director of the division of economic development, or designee.
- (f) The director of the division of state police, or designee.
- (g) The director of the division of motor vehicles, or designee.
- (h) Three members of the house of representatives, one of whom shall be a member of the minority party, appointed by of the speaker of the house of representatives.

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

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

IV. To prepare the state for the use of automated vehicle technologies on public roadways, the commission shall:

(a) Follow developments in the testing and deployment of automated and connected vehicle technology, including both federal and state laws, regulations, and guidance on the subject.

(b) Identify all agencies with pertinent jurisdiction to support the testing and deployment of automated and connected vehicles.

(c) Consider avenues to encourage the development of automated and connected vehicles technologies and their component hardware and software in New Hampshire, and to that end, shall work with both universities and companies in the sector to support innovation and development.

(d) Examine ways to educate residents on the benefits of automated and connected vehicle technologies, including enhanced mobility, increased safety, more efficient land use, expanded roadway capacity, and reduced environmental impact.

(e) Review existing state statutes and administrative rules and identify existing statutes or rules that impede the testing and deployment of automated and connected vehicles; such review shall include, but not be limited to, existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, drivers' licenses, and general rules of the road.

(f) Solicit input from representatives of:

(1) New Hampshire colleges and universities.

(2) Disabled communities.

(3) Elder communities.

(4) Public transportation providers.

(5) Automated and connected vehicle manufacturers.

(6) Automated and connected vehicle technology suppliers.

(7) Automobile dealers.

(8) The trucking industry.

(9) Urban planning professionals.

(10) Any other relevant actors with expertise or interest in the area of automated and connected vehicle technologies.

V. The commission shall be chaired by the director of the office of strategic initiatives, or his or her designee. The first meeting of the commission shall be called by the chairperson and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its initial findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2018, and provide annual reports thereafter every December 1. Such annual reports shall include a summary of commission activities during the period, and may include recommendations for legislative and regulatory consideration.

2 New Subdivision; Automated Vehicle Pilot Program. Amend RSA 21-P by inserting after section 68 the following new subdivision:

Automated Vehicle Pilot Program

21-P:69 Automated Vehicle Pilot Program.

I. No person may test an automated vehicle in this state unless the person participates in the automated vehicle pilot program and provides

notice under this section. A person shall provide notice to the department, upon blanks furnished by it for that purpose, to participate in an automated vehicle pilot program. The notice shall be accompanied by:

(a) Information as to the date range and general geographic locations where the automated vehicles will be operated. Testing may move to other areas with prior notice to the department; and

(b) Evidence that the owner of the vehicle has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least \$5,000,000.

II. The annual fee to participate in an automated vehicle pilot program shall be \$500.

III. The director may suspend, revoke, or refuse to renew a company's participation in the automated vehicle pilot program for any of the following reasons:

(a) Failure to comply with the rules of the road of the state.

(b) Any material misstatement on the notice for participation in the pilot program.

(c) A finding that the operation of an autonomous vehicle by the person would create a danger to the public.

(d) Failure to comply with the other requirements of this section.

3 Repeal. The following are repealed:

I. RSA 265:162, relative to the automated and connected vehicle testing and deployment commission.

II. RSA 21-P:69, relative to the automated vehicle pilot program.

4 Effective Date.

I. Section 3 of the act shall take effect December 2, 2019.

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

2018-1832s

AMENDED ANALYSIS

This bill establishes an automated and connected vehicle testing and deployment commission. This bill also establishes an automated vehicle pilot program.

SENATOR BIRDSELL: Thank you, Mister President. This amendment brings forward further clarification regarding the testing of automated vehicles and establishes an automated vehicle pilot program. The amendment further clarifies that the Director of the Department of Motor Vehicles can suspend or revoke a company's participation in such a program if the department finds that this would be a danger to the public. In summary, this Floor Amendment further clarifies the intent of the study commission passed by the committee. I might add why we decided to go ahead and add this, basically we put guardrails in this amendment because I found out after the fact that they are actually testing in New Hampshire. So what this amendment does is it adds some guardrails for the person who's testing or the organization who is testing these automated vehicles to notify DMV and go through some processes in order to make sure that they're at least bonded, paying a license fee so that we know someone is in the state testing. Thank you, Mister President.

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

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

HB 500, relative to organizations that are authorized to issue decals. Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSSELL: Thank you, Mister President. I would ask the body to consider voting down the Inexpedient to Legislate motion so that I can offer an alternate motion and a Floor Amendment. Thank you, Mister President.

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

Senator Birdsell moved Ought to Pass.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 26, 2018
2018-1815s
03/08

Floor Amendment to HB 500

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

1 Multi-Use Decal Plates; Organizations. Amend the introductory paragraph of RSA 261-B:88, I to read as follows:

I. Organizations that have statutory authority to issue decals (i) shall have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) **or 501(c)(10)** to participate in the multi-use decal number plate program, (ii) shall have a New Hampshire address registered with the department of justice, and (iii) shall not be named for, or associated with, a political issue or a person who seeks, holds, or has held a public office. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

2 Annual Report. Amend RSA 261-B:88, I(g) to read as follows:

(g) Verification of the organization's continuing status as a tax-exempt organization under 26 U.S.C. section 501(c)(3) **or 501(c)(10)**.

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

2018-1815s

AMENDED ANALYSIS

This bill allows organizations that are tax exempt under 26 U.S.C. section 501(c)(10) to qualify for authorization to issue decals for multi-use decal plates.

SENATOR BIRDSSELL: This amendment would allow certain organizations that are tax exempt as 501(c)(10)s to qualify for authorization to issue decals for multi-use decal plates as was in the original legislation. The amendment removes 501(c)(4)s from eligibility for these decals and for those that aren't unfamiliar with it, 501(c)(10)s are actually lodges like the Masons and such, so I ask for your support on this amendment. Thank you, Mister President.

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

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

HB 1549, relative to the availability of vehicle accident reports. Ought to Pass, Vote 5-0. Senator Watters for the committee.

Senator Birdsell moved to Lay on the Table HB 1549. Adopted.

HB 1595, relative to the use of the left lane of a multilane roadway. Ought to Pass, Vote 5-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1595 Ought to Pass. This bill provides that motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic. This legislation is consistent with the keep right except to pass philosophy. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1595. Thank you, Mister President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

April 23, 2018

2018-1714s

03/05

Floor Amendment to HB 1595

Amend RSA 265:16, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic at or below the posted speed limit unless reasonable and prudent under the conditions having regard to the actual and potential hazards then existing.

SENATOR BIRDSSELL: Thank you, Mister President. This is an amendment was brought to us worded by the Chiefs of Police. The original bill did not allot for driving in the left lane or left lane that was stopped like if you're merging into traffic and the left lane was stopped. They said that the police could ticket those who are just stopped in the left lane. So this further clarifies that the left lane is only to be used as a passing lane unless there is an actual or perceived blockage in the lane. Thank you, Mister President.

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

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

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, May 3, 2018. Adopted.

TRANSPORTATION

HB 2018, relative to the state 10-year transportation improvement program.

WAYS AND MEANS

HB 263, relative to facilities licenses for charitable gaming.

Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means

April 25, 2018

2018-1784s

08/04

Amendment to HB 263

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

AN ACT relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.

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

2 New Subparagraph; Games of Chance; Surveillance Requirements; Additional Security. Amend RSA 287-D:15, III by inserting after subparagraph (f) the following new subparagraph:

(g) No additional security requirements shall be imposed by any local or state agency without the approval of the commission.

2018-1784s

AMENDED ANALYSIS

This bill:

I. Allows the leasee of a building to apply for a facilities license.

II. Removes the requirement of a certificate of good standing from the department of revenue administration.

III. Removes the limit on facilities licenses that may be issued annually.

IV. Requires lottery commission approval for additional security requirements for games of chance imposed by a local or state agency.

SENATOR GIUDA: Thank you, Mister President. Mister President, I move House Bill 263 Ought to Pass with Amendment. The bill allows a game operator employer that operates a facility to apply for the facility license. Currently, the building owner has to apply for the facility license. It removes the requirement for a facility license applicant to attain a certificate of good standing as it would be duplicative since the game operators already are required to have one. This bill removes the limit on facility licenses, current law limits each entity to only one facility license. The committee amendment prohibits any local or state agency from requiring additional security at a charitable gaming facility without the approval from the Lottery Commission. This amendment was brought forward to address an inconsistency that's occurring whereby certain communities are requiring gaming facilities to obtain costly security while other facilities in other towns face no such additional security requirements. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President. I urge my colleagues to vote against the committee amendment. What this committee amendment does is limits the ability of the locale and the locals to hire additional police officers if they're required. I think it's essential. We know what's going on now at these entities. They're open later in the evening, there's more activity taking place there. You have a variety of games being played; it should be up to the locals to decide how much security's required. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment. What this amendment does in no way impacts local police and their ability to put police patrols outside the building. But what it does is it allows a uniformity across the state for the requirements for extra security within and that uniformity would be determined by an

ascertainment of the Lottery Commission, which has control over the inside activities in the buildings anyway. So it in no way affects the ability to hire police or to put those patrols outside for extra security. It merely provides a level playing field across the state for our operators.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I also rise in support of the amendment and I'd like the body to remember that as my friend from District number 2 had said, not only does it not prohibit a local law enforcement from coming to the place and coming in like they do for all licensed establishments. So we have to remember there's a difference here between, some communities are seeing some law enforcement show up and say you must hire one of our guys full time inside every single hour that you're open, versus the ability of anyone from lottery, men and women in blue, Liquor Commission, all of those entities still have the ability to go into the facility at any time they want. This is only stopping the mandating of hiring them as an employee or a security guard without some additional oversight and trying to find some consistency. Again, I ask the body to support the amendment. Thank you very much.

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 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.

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

Senate Ways and Means

April 18, 2018

2018-1620s

10/04

Amendment to HB 324

Amend RSA 72:12-e as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraph VII to read as paragraph VI.

SENATOR FELTES: Thank you, Mister President. I move House Bill 324 Ought to Pass with Amendment. This bill establishes a commission to study utility property valuations, recommend legislation for reforming the current system, which has generated several lawsuits due to inconsistent practices. The committee amendment deletes paragraph 6 of section 1 of the bill which would have designated specific Senate and House staff members to support the commission. It is inappropriate to dictate staffing coverage in chapter law, and inconsistent with Senate practice. The Ways and Means Committee asks for your support for the motion of Ought to Pass with this Amendment. Thank you very much.

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

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

Senate Ways and Means
April 18, 2018
2018-1622s
10/04

Amendment to HB 1251

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

AN ACT relative to indicia for payment of taxes on the transfer of real property, and temporarily reducing the real estate transfer tax for first-time home buyers.

Amend the bill by replacing all after section 7 with the following:

8 Tax on Transfer of Real Property; Rate; Exception Added. Amend RSA 78-B:1, I(b) to read as follows:

(b) ***Except as provided in RSA 78-B:1-b***, the rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

9 New Section; Rate of Transfer Tax for First-time Home Buyers. Amend RSA 78-B by inserting after section 1-a the following new section:

78-B:1-b Rate of Transfer Tax for First Time Home Buyers. Notwithstanding RSA 78-B:1, I(b), beginning January 1, 2018 the rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer applicable to the buyer for the purchase of a qualifying first home, as follows:

I. The rate of tax provided for in this section shall be applied to the amount of tax owed by and actually paid by the buyer pursuant to RSA 78-B:1 and shall not apply to any amounts paid by the buyer on behalf of the seller.

II. For purposes of this section, the term:

(a) "Qualifying first home" shall mean:

(1) The purchase of residential real estate, the price of which does not exceed \$300,000;

(2) That will be utilized as the buyer's principal residence as defined in Internal Revenue Code Section 121 and related Treasury Regulations; and

(3) That is the buyer's first purchase of residential real estate.

(b) "Buyer" shall mean the purchaser, grantee, assignee, or transferee of any real estate or any interest in real estate.

10 Applicability Date. RSA 78-B:1-b, as inserted by section 9 of this act, shall apply to transfers occurring on and after January 1, 2018.

11 Payment of Tax; Exception Added. Amend RSA 78-B:4, III to read as follows:

III. ***Except as provided in RSA 78-B:1-b***, the rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee, or transferee and the seller, grantor, assignor, or transferor.

12 Prospective Repeal. RSA 78-B:1-b, relative to a transfer tax rate for first-time home buyers, is repealed.

13 Exception Deleted. Amend RSA 78-B:1, I(b) to read as follows:

(b) ~~[Except as provided in RSA 78-B:1-b;]~~ The rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

14 Exception Deleted. Amend RSA 78-B:4, III to read as follows:

III. ~~[Except as provided in RSA 78-B:1-b,]~~ The rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee, or transferee and the seller, grantor, assignor, or transferor.

15 Report Required; Department of Revenue Administration. On or before January 1, 2019 and on or before January 1, 2020, the commissioner of revenue administration shall report to the speaker of the house of representatives, the senate president, and the governor on the number of first-time home buyers using the lower transfer tax rate provided in RSA 78-B:1-b and the department's assessment of whether the number of first-time home buyers increased or decreased as a result of the reduced tax rate.

16 Effective Date.

I. Sections 12-14 of this act shall take effect January 1, 2020.

II. Sections 1-7 of this act shall take effect July 1, 2018.

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

2018-1622s

AMENDED ANALYSIS

This bill removes references to stamps to indicate payment of the tax on transfers of real property and certain fees for recording deeds. This bill reduces, for a 2-year period, the rate of the tax on the transfer of real property for first time home buyers, provided the purchase price does not exceed \$300,000. The bill also requires the department of revenue administration to report on the usage of the reduced rate.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1251 Ought to Pass with Amendment. This bill removes references to stamps to indicate payment of a tax on transfers of real property and certain fees for recording deeds. The Department of Revenue Administration testified that registries no longer use stamps. They print a document now showing the amount of tax paid. This bill will alleviate the department's obligation to maintain these stamps that are basically obsolete. The phrase "indicia of payment," will remain in statute and is broad enough to cover the current practice as well as any future technology they may employ. The committee adds after section 7 of the bill, the language from Senate Bill 301 which would provide temporary relief from the payment of real estate transfer tax for certain first-time home buyers. Keep in mind that we reached a compromise on this in the Senate to temporarily reduce real estate transfer tax for first time homebuyers of home at or below 300,000 and that was a compromise Democrats, Republicans and the Governor's office. Unfortunately, the House voted that down, they voted it Interim Study, so we added it to this bill and the Ways and Means Committee asks for your support of the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thank my colleague from District number 15 for introducing the bill and for supporting the compromise on the first time homebuyer credit, but we think there might be a more appropriate action to come on a later date so at this point I'd respectfully ask the body to vote down the committee amendment and we'll take up that consideration in a bit. Thank you, Mister President.

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

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

HB 1260, relative to the payout value of bingo games at private campgrounds and hotels.

Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means

April 25, 2018

2018-1785s

08/04

Amendment to HB 1260

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

AN ACT relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.

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

2 Keno; Hours of Operation. Amend RSA 284:47, I to read as follows:

I. A licensee may operate keno games at its business between the hours of 11 a.m. and ~~[11 p.m.]~~ **1 a.m.**

3 Lucky 7 Tickets; Sales During Bingo. Amend RSA 287-E:21, II(a)-(b) to read as follows:

(a) The regular meeting place of or a facility owned, leased or utilized by the charitable organization for its activities; ~~[or]~~

(b) Any other location where the sale of lucky 7 tickets is conducted in conjunction with and at the same time as an event sponsored or co-sponsored by the charitable organization, to be held once a year, and will be held for no more than 4 consecutive days; **or**

(c) Lucky 7 tickets sold in conjunction with bingo games may be sold between the hours of 12 p.m. and 1 a.m. on any licensed game date.

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

2018-1785s

AMENDED ANALYSIS

This bill:

I. Raises the maximum payout value for bingo games at private campgrounds and hotels.

II. Extends the hours a licensee may operate Keno games.

III. Allows the sale of Lucky 7 tickets during certain hours of a bingo licensed game date.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1260 Ought to Pass with Amendment. This bill raises the maximum payout value for bingo games at private campgrounds and hotels for the current 1,000 to \$2,000. This proposed increase comes as a result of several campgrounds having to turn players away, particularly on rainy days when the demand is high for the games. This will enable more people to engage in this activity during inclement weather when there's little else to do at the campgrounds. The committee amendment changes the hours of operation for the sale of Keno and Lucky 7 tickets. It seeks to extend the time for Keno from the present 11 PM to 1 AM when the establishments close. Currently, you must stop Keno at 11 even though they

remain open until 1:00. The amendment also makes a change relative to the hours of sales for Lucky 7 tickets sold in conjunction with bingo games, enabling to be sold between 12 PM and 1 AM as well. I ask for your support for the motion of Ought to Pass with Amendment and I thank you, Mister President.

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

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

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I just want to note for the body; however you choose to vote, this does extend the hours of operation for Keno from 11 PM to 1 AM and Lucky 7 to 1 AM and one of the considerations in the Keno bill was a stop at 11 PM. So I just wanted to note that for the body, however you decide to vote. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and want to talk a little real quickly about the Keno, because it's true when the Keno bill was created it did make a hard stop at 11:30, but it wasn't for everybody. So we know that social clubs actually can run today until 1:30 AM so clearly we realize after implementation of Keno, there are some organizations that are able to run until 1:30 in the morning and then others that actually have to stop at 11:30, so all this bill looks to do is try to make it consistent across the board and net, net, net or Keno, Keno, Keno, it should bring more revenue into the state of New Hampshire to help with education and kindergarten. So I'd ask that the body support the amendment and the underlying bill. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Senator Morse is in opposition to the Committee Amendment on HB 1260.

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

HB 1276, adding an exemption for certain raffles conducted by charitable organizations.

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

Senate Ways and Means

April 18, 2018

2018-1629s

08/05

Amendment to HB 1276

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

AN ACT adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Charitable Gaming Licenses; Expiration Date. Amend RSA 287-D:6, IV and V to read as follows:

IV. Only one license shall be issued to each applicant [~~per year~~] ***in any 12 month period*** to operate games of chance for 10 days, which 10 days need not be consecutive.

V. Licenses shall expire [~~on December 31 of each year~~] ***12 months from the date of issue or after the completion of the tenth game date, whichever comes first.***

2018-1629s

AMENDED ANALYSIS

This bill allows certain raffles to be conducted by charitable organizations without a permit or printed tickets.

This bill also changes the license period for charitable organization licenses for charitable gaming.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1276 Ought to Pass with Amendment. This bill allows a charitable organization to sell raffle tickets without a permit, provided that tickets are sold at an event lasting twelve hours or less. The committee amendment changes the timeline for licensing charitable organizations to a twelve-month basis, rather than a calendar year basis. The Ways and Means Committee asks for your support for the motion of Ought to Pass as Amended. 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 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means

April 18, 2018

2018-1631s

08/04

Amendment to HB 1501-FN

Amend RSA 287-E:1, VI-b as inserted by section 1 of the bill by replacing it with the following:

VI-b. "Gaming consultant" means any individual or business entity who is hired by or otherwise receives compensation from a charitable organization to provide gaming related services including consultation, management, assistance with the operation of the bingo games or the sale of lucky 7 tickets, record keeping, filing forms with the commission, advertising, or security and who handles, manages, oversees, or disburses any of the funds derived from the operation of the charitable games.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1501 Ought to Pass with Amendment. This bill defines gaming consultants and establishes licensing provisions. The Committee Amendment, which is supported by Commissioner McIntyre, narrows a licensing requirement to anyone who handles funds. This captures the original intent which was to allow the Lottery Commission to intervene when the proper procedure isn't being followed while at the same time not requiring unnecessary licensure of people who don't handle the funds. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

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

HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.

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

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1502 Inexpedient to Legislate. This bill sought to add exempt water and air pollution control facilities excluded from the utility property tax to the tax expenditures reviewed by the Joint Committee on Tax Expenditure Review. However, a majority of Ways and Means Committee feels this is duplicative and unnecessary as RSA 72:12-A establishes a process whereby a party seeking an exemption files an application with the Department of Environmental Services. The department then investigates the purpose of the facility to determine if the exemption is appropriate. We therefore ask for your support for the motion of Inexpedient to Legislate. Thank you, Mister President.

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

HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.

Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means

April 18, 2018

2018-1621s

10/04

Amendment to HB 1554-FN

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

AN ACT phasing out the tax on interest and dividends.

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

1 Rate; 2020. Amend RSA 77:1 to read as follows:

77:1 Rate. The annual tax upon incomes shall be levied at the rate of [5] 4 percent.

2 Rate; 2021. Amend RSA 77:1 to read as follows:

77:1 Rate. The annual tax upon incomes shall be levied at the rate of [4] 3 percent.

3 Rate; 2022. Amend RSA 77:1 to read as follows:

77:1 Rate. The annual tax upon incomes shall be levied at the rate of [3] 2 percent.

4 Rate; 2023. Amend RSA 77:1 to read as follows:

77:1 Rate The annual tax upon incomes shall be levied at the rate of [2] 1 percent.

5 Repeal; 2024. RSA 77, relative the taxations of incomes, is repealed.

6 Reference to Interest and Dividends Tax Deleted. Amend RSA 14-B:8, III(q) to read as follows:

(q) New Hampshire taxes, specifying if business profits tax[;] **or** business enterprise tax[; ~~or interest and dividends tax~~].

7 Reference to Interest and Dividends Tax Deleted. Amend RSA 15-A:5, I(d)(17) to read as follows:

(17) New Hampshire taxes, specifying if business profits tax[;] ~~or business enterprise tax[, or interest and dividends tax].~~

8 Reference to Interest and Dividends Tax Deleted. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in ~~[RSA 77:18-b,]~~ RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5, RSA 84-A:7, or RSA 84-C:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

9 Reference to Interest and Dividends Tax Deleted. Amend the introductory paragraph of RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under ~~[RSA 77,]~~ RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, RSA 83-E, or RSA 84-A for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

10 Reference to Interest and Dividends Tax Deleted. Amend RSA 21-J:46, III to read as follows:

III. This section shall apply only to tax returns and associated payments under ~~[RSA 77,]~~ RSA 77-A[;] and RSA 77-E.

11 References to Interest and Dividends Tax Deleted; Tax Expenditure Report. Amend RSA 71-C:4, I and II to read as follows:

I. On or before December 15 of every fiscal year the commissioner of the department of revenue administration shall certify in a report to the general court and the governor an analysis of each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed under ~~[RSA 77,]~~ RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A.

II. The report shall be divided into the following parts:

(a) Tax expenditures as determined by the joint committee on tax expenditure review under RSA 71-C:3;

(b) Potential liabilities against the state's revenues, specifically:

(1) Other credits allowed under ~~[RSA 77,]~~ RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, RSA 78-B, RSA 82, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A against the business profits tax imposed by RSA 77-A; and

(2) Credit carryovers from overpaid taxes.

12 Returns for Interest and Dividends Taxes. All persons who are liable for a tax under RSA 77 as of December 31, 2023, who thereafter are no longer liable for a tax under RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through December 31, 2023, and to

permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

13 Repeals. The following are repealed:

I. RSA 21-J:45, I(c), relative to reports on status of requested interest and dividends tax refunds.

II. RSA 77-A:4-c, II(c), relative to the duty of a committee to study the taxation of distributions received by investment organizations under the interest and dividends tax.

III. RSA 77, relative to taxation of incomes.

IV. RSA 77-A:4, I, relative to an adjustment to the business profits tax for taxes under RSA 77.

V. RSA 195-H:10, relative to exemption from RSA 77 for income and distributions from qualified tuition programs.

VI. RSA 195-K:4, relative to the exemption from RSA 77 for the achieving a better life experience program.

VII. RSA 261:52-a relative to notice that the interest and dividends tax may be due.

VIII. RSA 391:3 relative to the taxation of common trust funds under RSA 77.

14 Effective Date.

I. Section 1 of this act shall take effect January 1, 2020, and shall apply to tax years ending on or after December 31, 2020.

II. Section 2 of this act shall take effect January 1, 2021 and shall apply to tax years ending on or after December 31, 2021.

III. Section 3 of this act shall take effect January 1, 2022, and shall apply to tax years ending on or after December 31, 2022.

IV. Section 4 of this act shall take effect January 1, 2023, and shall apply to tax years ending on or after December 31, 2023.

V. The remainder of this act shall take effect January 1, 2024.

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AMENDED ANALYSIS

This bill phases out the interest and dividends tax over a 5-year period and repeals the tax on January 1, 2024.

SENATOR SANBORN: Thank you, Mister President. I move House Bill 1554 Ought to Pass with Amendment. This bill originally sought to increase the filing threshold for the I and D tax from 2,400 to 3,500. It would also have reduced the research and development tax credit from 7 million down to 2 million. The Ways and Means Committee did a replace all amendment which took the entire language from SB 504 which passed this body earlier, which is a phase-out of the Interest and Dividends tax, starting in the next budget over five years with a final repeal date of January 1, 2024. What this will do is essentially look to the fact that starting in the next budget it would repeal the I and D tax that based upon income today, \$13 million a year over five years. Now I want to remind this body there's been some great things that are happening here. The economy is doing good. The tax cuts we have seen coming from the Federal Government have made our economy good, have made our budget better, have made our revenues go up. In addition to that, we have to remember that the cuts we have made to this Business Enterprise Tax, Business Profits Tax and the reduction of regulations we have continued to make, have made a material difference in the economic health of this state. So when the state is healthy and the outlook for New Hampshire is good, and the

state is bringing in more revenue than it needs, we should always look to return that money back to the taxpayers. That's what this did, again, this is the same exact language that we passed through this body earlier this year and I'd ask the body for support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, the Committee Amendment is the same exact language we tabled earlier this year. We tabled it, it has close to \$100 million impact in the next budget. The benefits of that \$100 million go to the top 10 percent income earners in the state. That's by analysis by iTeK. To do this now is fiscally irresponsible. It's a downshift right onto the backs of local property taxpayers. Middle class Granite Staters, struggling to get ahead and stay ahead. Why? For \$100 million hit to our budget in the next budget cycle to the top 10 percent income earners. Does that make any sense? It doesn't. Let's vote down this committee amendment, we tabled it earlier in the session, let's vote it down now and let's move forward. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, I rise to declare a potential conflict of interest in that I pay the Interest and Dividends Tax, but as I would be affected in no way different from any other people who pay this tax, I will participate. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise to say the same thing that my friend from District 4 just said. That I may have a conflict as I do pay Interest and Dividends Tax but I will be participating. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I will declare a conflict. I do pay the Interest and Dividends Tax. I will participate in the discussion and I'd like to speak now.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise to say that I may have a conflict of interest as well, but I really rise to say this is not a good amendment. We've done this before, and I totally concur with the comments my colleague from District 15. This is not what is acting in the best interest of people in my district. And if this is, if you believe that it's in the best interest of people in your district and the majority of people in your district, I'm stunned. So, thank you, Mister President for recognizing me. Please vote against this.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I rise to declare that I may have a conflict of interest and I have filled out a form to that effect. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I too have a conflict on this bill and amendment in that I pay Interest and Dividend Taxes in New Hampshire. Thank you, Mister President. I will participate.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I'm rising to say I don't have a conflict, but I wish I did. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Thank you, Mister President. Mister President, I rise against the amendment. When you look at the numbers, the numbers clearly indicate we will lose \$100 million in revenue over the course of the deductions that are cited in the amendment. That's not a prudent way to do business. We've adjusted business taxes; we've reduced them and guess what; the business revenues are up. You know why they're up? Because all of those companies that didn't pay in the past are now paying because we have the amnesty. Look at the numbers. The numbers indicate about two or three-hundred more businesses are paying than have paid in the past. They were avoiding the tax. The Interest and Dividends Tax should not be changed at this point in time. We've changed taxes thirty-nine times over the last few years, we've done a good job. This is not a good job. This is not a way for us to go. At this point in time any further reduction in taxes are going to fall right back on the locals. What we should be doing is saying, hey, let's take some of this money that we've earned and restore the revenue sharing, \$25.2 million a year, that's \$50.4 million over the biennium that goes back to the taxpayers to alleviate the burden of the real estate property tax. That's where we should be working at this point in time, to get more money back to our locals, not reducing interest and dividends on the wealthiest of people in the state. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise just to say I have some real concerns about this. I think I join many members here in this body that are concerned about taxes and I'd love to see us cut taxes, but I also think that if we're going to cut taxes and we've heard from our colleagues that this could potentially put \$100 million hole in the budget. How are we going to fill that hole? What programs are we going to cut to make up this deficit? And I haven't heard anything on the other side. I would feel more comfortable if we could have a discussion about what programs are, we going to cut in order to make up the difference here? I haven't heard that today. And this brings to mind comments from a former colleague of ours, who chaired Ways and Means for many years, and he'd say it was great, you want to cut taxes, but how are you going to fill the hole? And that's what I'm really concerned about. I would hate to see needed programs that my constituents depend upon cut because we cut this tax. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I apologize I did not say earlier that declaring I may or may not have a conflict, I do pay I and D tax, so I clearly have a conflict. I'm still participating, and I'd like to try and answer some questions if I could. So let me try to answer some of the questions especially from my colleague in District number 15, who raised some questions about \$100 million. Well only in government, only with the political class can you take a \$13 million expense and portray it as a \$100 million bill. Mister President, it continues to stagger me, this revenue generator, Interest last year. So how people can literally leap, jump the shark and say a \$65 million tax is worth \$100 million and Dividends Tax, the tax on the people of New Hampshire only brings in \$65 million a year, only brings in total \$65

million defies people who actually consider math important because you know Mister President I can't spell worth a lick. So, it's not \$100 million, what it is, it's \$15 million, \$15 million a year over five years. Now part of this thing we have to understand, and this gets the point from my colleague from District number 15. Senator, I completely understand your question that says how do we fill the hole, if we're going to cut taxes, what do we do with spending? Now this is predicated on the fact that revenue doesn't change, expenses don't change, we cut taxes. Now we have a hole. In this case, we know that revenue is up, but spending's not up. So there's no need to cut taxes, because we're bringing in more revenue than we thought we would with the same amount of expense. So there's no hole to fill, in fact, we have heard that recently, probably not the day to have numbers Mister President, but I will if you ask me to, our economy is up, our economy is running as good as it has run in a decade and a half.

Lowest unemployment, lower regulation, great, great, great tax cut program coming from the Federal Government, every single one of you, except maybe one or two of you, should be getting more money in your pocket. Thirty-one hundred dollars on average in the state of New Hampshire. That's money in people's pockets, it's their money coming back. Now this is just like this and Mister President, what I'll say, what I need to remind the body, I know my friend from District number 15 talks often about the benefits of the 1 percent. But here's another part to my colleague in District 14, and others. We have to remember that the 146,000 small businesses in the state of New Hampshire. At the end of the year, they close out their books, they go see their accountant, and their accountant says hey look, you had an okay year, you made a little bit of money. And that guys says I want to buy a piece of equipment, I want to buy a truck, maybe I want to give my employees a raise. When that small business makes a distribution, after December 31st but before they pay their taxes, that's no longer income, it becomes an Interest and Dividend distribution. So this bill Mister President, does not go to just some elitist that people are talking about over there because I don't believe anyone in this room is an elitist either. We're not all part of the 1 percent. But some people in this room pay it as result of earned interest on income they have because they have some resources. But 146,000 people Mister President, have the ability of this same thing because they take a small distribution of \$2,500 out of their company at the end of the year. That \$2,501 now they're paying tax on it. Last time I checked Mister President; cost of a pick-up truck was about 60 grand. So if you want to buy yourself a new car at the end of the year, you've worked real hard, you're now paying taxes on, you know, \$5,600.

Couple other points Mister President, that I'll put down. There's no downshift here, this is not about downshifting, this is not a mandate on our communities without revenue. This is our state bringing in more revenues than we thought, the economy doing better and our ability to return some of that taxpayer dollars to the taxpayer. The people that paid it. And lastly, Mister President, we heard a little bit about the amnesty bill. Now for the record Mister President, I was the prime sponsor of the amnesty bill. About every ten years we do that, typically right after a recession. We know people are struggling, we know people get underground a little bit, this gives those people that opportunity to come to the table and catch up and do the right thing and have a much less minor penalty. I will remind you Mister President, last amnesty was actually two years ago, and the benefits we saw were two years ago, the revenue that we're seeing

which is from good fiscal management from the Chair of Finance, from the Governor, from the agencies. What we're seeing in our state today of a better and improving economy. We're doing better. Current tax scheme, we have more revenue coming in, so taking 13 million a year over five is actually a smaller cut, Senators, a smaller cut than what we did with the Business Profits Tax or the Business Enterprise Tax. So realistic, responsible, a good way to put people's tax dollars back in their pocket when the economy is good. Thank you, Mister President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Mister President. I'd like to declare that I may or may not have a conflict however we say that, but I intend to vote on this issue. I would like to talk about taxes for a moment because I was interviewed yesterday, and I found it interesting on how we perceive what's happening in the country and in the state of New Hampshire. You know the reality is the Federal Government goes and does tax cuts and follows what New Hampshire's been doing for the last two budgets and we're seeing the benefit of it. We're seeing the benefit of what's happened in our state and federally, it's showing up this month. And everyone that's looking at the reports is either taking credit or saying you know we just budgeted wrong. We didn't budget wrong. We budgeted right. The Federal Government made a tax cut that actually is having a huge influence. And should we or should we not use that to pay down the sins that we saw back in 2011. I actually looked into that. I looked into paying off a bond of \$135 million that the Rooms and Meals Tax is being robbed right now because we're still paying that bond, and that bond is still so big we couldn't write the check right now to pay it off. Because I thought it would be good policy for us to write that check right now and pay off the bond that we took back in the day to pay for school building construction when our own communities already bonded it. It's an insane concept. But I'd like to tell you this; I think the policies that we put in place and been led by the Senate in the last two budgets are policies that are working. They're working for the state of New Hampshire. And that's why I support this legislation. Because when we talk about reducing taxes, it makes people inspired to come into our state and build their business, and make this economy run, just like it's running right now. And as I'm hearing about the fact that every ten years we look at recession, I can tell you a lot of what you've done with tax cuts, like the one that's being proposed, is going to ward off having a recession like we saw in 2008, because back then we were increasing fees and increasing taxes and no one wanted to come here. They didn't want to expand their businesses here. And that's the pro-growth policies that we have right now that are making a difference in the state of New Hampshire. And that's why I'll support the way this is being presented to us, because I think it's working. I think it's working in a great manner when the Federal Government's following what the state of New Hampshire did and it's showing up right now. And it's going to show up even further as we study it. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Morse moved to Lay on the Table.

PARLIAMENTARY INQUIRY:

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

SENATOR SANBORN: Thank you for my parliamentary inquiry. If I know Mister President, that the bill with the amendment not passing, the underlying bill has a cut of the R and D tax credit from \$7 million to \$2 million, would I then vote yes to table?

PRESIDING OFFICER SENATOR BRADLEY: If you're in favor of the motion to table, you would vote yes. If you're opposed, you would vote no.

Recess. Out of recess.

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: Thank you, Mister President. Mister President if I know that there could be a way to resolve a question that was just raised to me, if I ask that the body would just voice vote this thing up on the table tonight and that we'd consider taking it back down tomorrow, would we vote yes for tabling?

PRESIDING OFFICER SENATOR BRADLEY: If you're in favor of the motion to table, you would vote yes. If you're opposed, you would vote no.

Senator Avard requested a Roll Call on the motion to Lay on the Table HB 1554-FN.

Senator Avard withdrew request for a Roll Call.

Senator Morse moved to Lay on the Table HB 1554-FN. Adopted.

Recess. Out of recess.

President Morse presiding.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, May 3, 2018. Adopted.

WAYS AND MEANS

HB 1819-FN, relative to administration of the education tax credit.

PRESIDENT MORSE: Right now, you have these two documents in front of you. Before we get to the Consent Calendar, let's take the single page document.

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 refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 549-FN, relative to beverage vendor fees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Biggie, Fromuth and Williams

Senator Innis moved to Accede to House request. Adopted.

The President appointed Senators Innis, French and Lasky.

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vose, Barry, Vadney and H. Moffett

Senator Avarð moved to Accede to House request. Adopted.

The President appointed Senators Avarð, Innis and Fuller Clark.

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Webb, Spillane, L'Heureux and Laflamme

Senator Avarð moved to Accede to House request. Adopted.

The President appointed Senators Innis, Avarð and Feltes.

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McGuire, Sytek, Proulx and Goley

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Bradley and Soucy.

HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Baldasaro, Massimilla, Hansen and McGuire

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Bradley, Gray and Hennessey.

HB 252, relative to pro se litigants under the right-to-know law.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hynes, Berch, Sylvia and Janvrin

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, French and Lasky.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Welch, Sapareto, Chandley and Murray

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Gannon and Lasky.

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 Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

SB 303, relative to a security freeze on a consumer's credit report.

Senator Innis moved Concurrence. Adopted.

SB 312, clarifying the New Hampshire Foundation Act.

Senator Innis moved Concurrence. Adopted.

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, French and Lasky.

SB 351, relative to managed care programs under workers' compensation.

Senator Innis moved Concurrence. Adopted.

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.

Senator Innis moved Concurrence.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise and I did not have the opportunity to speak with my colleague from District 24. But I would be opposed to this recommendation. What the House Amendment did was to not only remove definitions but eliminate what's called a clawback provision whereby a pharmacy claim that's been settled can then be revisited many months later. This is an important issue that I think deserves further discussion. This also removes the language about gag clauses from the pharmacy statute, so it's limited to just insurance. So for those reasons I'd ask my colleague if we could do a committee of conference. Thank you, Mister President.

Senator Innis withdraws motion of Concurrence.

Senator Innis moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President will appoint conferees at a later date.

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 Innis moved Concurrence. Adopted.

SB 433, relative to the annual filing of statistical reports to the department of education.

Senator Reagan moved Concurrence. Adopted.

SB 309-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

Senator Avard moved Concurrence. Adopted.

SB 366, relative to membership and procedures of the site evaluation committee.

Senator Avard moved Concurrence. Adopted.

SB 443, relative to the jurisdiction of counties concerning retail electric supply, and allowing the Carroll county convention to employ a delegation coordinator.

Senator Avard moved Concurrence. Adopted.

SB 451, relative to wildlife trafficking.

Senator Avard moved Concurrence. Adopted.

SB 374, relative to adoption of emergency medical and trauma services protocols.

Senator Carson moved Concurrence. Adopted.

SB 456, relative to the appointment of the state medical director for emergency medical services.

Senator Carson moved Concurrence. Adopted.

SB 531-FN, relative to the office of professional licensure and certification.

Senator Carson moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Carson and Soucy.

SB 534-FN, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.

Senator Carson moved Concurrence. Adopted.

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

Senator Daniels moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Giuda and D'Allesandro.

SB 544-FN, transferring department of safety funds to the fire standards and training and emergency medical services fund.

Senator Daniels moved Concurrence. Adopted.

SB 63, relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

Senator Bradley moved Concurrence. Adopted.

SB 380, relative to the therapeutic use of cannabis.

Senator Bradley moved Concurrence. Adopted.

SB 385, establishing a foster care children's bill of rights.

Senator Bradley moved Concurrence. Adopted.

SB 478, establishing an advisory council on lactation.

Senator Bradley moved Concurrence. Adopted.

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

Senator Bradley moved Concurrence. Adopted.

SB 489, establishing a committee to study parental alienation in New Hampshire.

Senator Bradley moved Concurrence. Adopted.

SB 491, relative to food protection services in New Hampshire.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Avard and Fuller Clark.

SB 336, relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore.

Senator Carson moved Concurrence. Adopted.

SB 391-FN, relative to sexual assault survivors' rights.

Senator Carson moved Concurrence. Adopted.

SB 493, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

Senator Carson moved Nonconcurrence. Adopted.

SB 496-FN, relative to mediation for certain child support arrearages.

Senator Carson moved Concurrence. Adopted.

SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.

Senator Carson moved Concurrence. Adopted.

SB 500, amending references to firearms terminology.

Senator Carson moved Concurrence. Adopted.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, French and Feltes.

SB 339, relative to voting by zoning boards of adjustment.

Senator Gray moved Concurrence. Adopted.

SB 342, requiring identification of specific items in the default budget. Senator Gray moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Daniels and Woodburn.

SB 393, relative to county financial audits, performance audits, and forensic audits.

Senator Gray moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Ward and Kahn.

SB 506, limiting amendments to warrant articles.

Senator Gray moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Giuda and Kahn.

SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month.

Senator Gray moved Concurrence. Adopted.

SB 510, relative to municipal notice of leases on tax-exempt property.

Senator Gray moved Concurrence. Adopted.

SB 343, relative to legislative ethics guidelines.

Senator Avard moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, Avard and Soucy.

SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial commission.

Senator Birdsell moved Concurrence. Adopted.

SB 411-FN-A, relative to the research and development tax credit.

Senator Sanborn moved Nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Senator Sanborn moved Concurrence. Adopted.

SPECIAL ORDER

Without objection, any bills that were not taken up today are special ordered to Thursday, May 3, 2018. Adopted.

ENERGY AND NATURAL RESOURCES

HB 1238, relative to animal cruelty involving an equine colt.

HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.

HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

JUDICIARY

HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1392, relative to tallies of votes on budget items or warrant articles.

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 Birdsell: HB 1519, HB 1601, HB 1781

Senator Bradley: HB 476, HB 1554-FN

Senator D'Allesandro: HB 1554-FN

Senator Fuller Clark: HB 1554-FN

Senator Hennessey: HB 1554-FN

Senator Innis: HB 1554-FN

Senator Morse: HB 1554-FN, SB 318

Senator Sanborn: CACR 15, CACR 16, HB 114, HB 135, HB 169-FN, HB 225, HB 252, HB 263, HB 314, HB 317, HB 324, HB 407-FN, HB 476, HB 500, HB 549-FN, HB 561-FN, HB 1101-FN, HB 1102-FN, HB 1103-FN, HB 1104-FN, HB 1100, HB 1233, HB 1238, HB 1243, HB 1251, HB 1254, HB 1260, HB 1261, HB 1264, HB 1273, HB 1276, HB 1285, HB 1286, HB 1294, HB 1295, HB 1307, HB 1309, HB 1310, HB 1313, HB 1316-FN, HB 1319, HB 1327, HB 1347, HB 1356, HB 1372, HB 1373, HB 1377, HB 1382, HB 1392, HB 1402, HB 1404, HB 1427-FN, HB 1443, HB 1458, HB 1467, HB 1468, HB 1472, HB 1476, HB 1487, HB 1488, HB 1498, HB 1501-FN, HB 1502, HB 1515, HB 1519, HB 1521, HB 1530, HB 1537, HB 1545, HB 1549, HB 1550, HB 1554-FN, HB 1562-FN, HB 1565-FN, HB 1578, HB 1586, HB 1587, HB 1592-FN, HB 1595, HB 1601, HB 1603, HB 1605, HB 1614, HB 1626-FN, HB 1627-FN, HB 1654, HB 1673-FN-L, HB 1682-FN, HB 1686-FN, HB 1687, HB 1690-FN, HB 1740, HB 1743-FN, HB 1753-FN-L, HB 1774, HB 1775, HB 1781, HB 1791-FN, HB 1796, HB 1805, HB 1809-FN, HB 1816-FN, HB 1817-FN, HB 1819-FN, HB 1822-FN, HB 2018, SB 63, SB 84, SB 300, SB 303, SB 309-FN, SB 312, SB 318, SB 336, SB 339, SB 342, SB 343, SB 351, SB 354, SB 366, SB 374, SB 380, SB 385, SB 391-FN, SB 393, SB 411-FN-A, SB 433, SB 443, SB 451, SB 456, SB 478, SB 479, SB 489, SB 491, SB 493, SB 496-FN, SB 498-FN, SB 500, SB 506, SB 507, SB 510, SB 531-FN, SB 534-FN, SB 540-FN, SB 544-FN, SB 553-FN, SB 556-FN, SB 564-FN-A

Senator Soucy: HB 407-FN, SB 553-FN

Senator Watters: HB 1554-FN

LATE SESSION

Third Reading and Final Passage

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.

HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.

HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

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

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.

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

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

HB 1260, relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.

HB 1261, relative to record management of abuse and neglect reports.

HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

HB 1276, adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.

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

HB 1294, relative to religious societies.

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

HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.

HB 1319, prohibiting discrimination based on gender identity.

HB 1327, relative to apprentice electricians.

HB 1347, relative to information to be included in the minutes under the right-to-know law.

HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.

HB 1377, establishing a committee to study the emancipation of minors.

HB 1472, relative to the state building code provisions for energy conservation in new building construction.

HB 1487, relative to banks and credit unions.

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

HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.

HB 1521, relative to the definition of an emergency for a special assessment in a condominium.

HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.

HB 1545, relative to the statewide interoperability executive committee.

HB 1586, relative to judicial review for underage marriage.

HB 1587, relative to the minimum age for marriage.

HB 1595, relative to the use of the left lane of a multilane roadway.

HB 1601, relative to a declarant's options for condominium expansion.

HB 1605, relative to reinsurance.

HB 1654, relative to automobile medical payments.

HB 1687, relative to banking and consumer credit.

HB 1690-FN, relative to liquor licenses.

HB 1740, relative to costs of blood testing orders.

HB 1774, relative to parenting plans and relocation of a child's residence.

HB 1796, relative to the legislative oversight committee on electric utility restructuring.

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.

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 386, relative to access to criminal records.

SB 413, relative to name availability for business organizations and relative to reinstatement of a limited liability company.

SB 425, relative to limited liability companies.

SB 435, relative to alternative programs for granting credit leading to graduation.

SB 477, establishing a therapeutic cannabis medical oversight board.

SB 513, establishing September as New Hampshire recovery month.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.

SB 525-FN, prohibiting the distribution of adult education financial assistance to any student who is not a legal resident.

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 112, establishing a council on the creative economy.

SB 373, requiring rulemaking by the department of corrections.

SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

SB 427, limiting the liability of successor corporations for asbestos-related claims.

SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

SB 452, relative to renewable energy fund incentive payments.

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

Out of Recess. Call the Senate to Order.