

HB 263, relative to facilities licenses for charitable gaming. (Ways and Means)

HB 267, establishing the New Hampshire transportation council. (Transportation)

HB 287, establishing a committee to study decriminalizing sex work. (Judiciary)

HB 298, relative to licensing requirements for apprentice plumbers. (Executive Departments and Administration)

HB 314, relative to autonomous vehicles. (Transportation)

HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval. (Energy and Natural Resources)

HB 410, relative to the legislative youth advisory council. (Executive Departments and Administration)

HB 485-FN, relative to standards for emerging contaminants in drinking water. (Executive Departments and Administration)

HB 492, relative to electric personal assistive mobility devices. (Transportation)

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

HB 523, establishing a committee to study the use and regulation of biometric information. (Commerce)

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 48, establishing a commission to study the efficiency and effectiveness of fish and game department operations.

SB 132, relative to historic burial grounds and cemeteries.

SB 247-FN-A, preventing childhood lead poisoning from paint and water.

Senator Avard 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.

February 15, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jason Wells, chaplain to the Senate, offered the following meditative thoughts and prayer:

Donald Knuth wrote his life's work starting in 1962. That life's work was called The Art of Computer Programming. Since then he has written three volumes and is now still working on volume four. Of course, we know computers changed a lot since 1962. It's amazing that he has books that are a standard reference for computer programmers even when the books were first written fifty-five years ago. When that pace of change is so fast, how does Donald Knuth stay on top of it? He doesn't. He refuses to stay on top of everything. He acknowledges that his role in life is not to be on top of things, but his job is to be on the bottom of things. That

is when the change of pace is fast, when the deadlines are short and frequent, we make an effort to slow down. We find the things that don't change. We find the values that endure, the truths that are fundamental and timeless. We prefer not to be on top of everything, but down on the bottom of things.

Before I move into my closing prayer and move on, as you all move on to the State of the State Address I hope to bring forth just a moment of silence and reflection—that's usually the way to get to the bottom of things, is by stopping and listening to God. Of course, a moment of silence for Senator Sam Cataldo, who was buried last week. I enjoyed having him as one of the Senators who every time I came here I knew he would bring me a prayer request for something, and I will always remember him for his connection in that way. But, of course, we also hold out a moment of silence as we listen to God, once again, as we listen out of our grief for the events in the shooting in Florida yesterday. And we hope to hear from the God of those fundamental truths and values the directions God would have us take, and the choices we ought to take at this moment.

Let us pray.

Eternal God, for whom a thousand years in your sight are like a day when it is past, as we move into the State of the State Address, as we fly through hearings and deadlines toward crossover day, keep us deeply rooted in our values, that we stay honest with ourselves, that we speak to each other on the deep level of the heart, and to find for ourselves, for our state, for our nation, and the world, that we find for ourselves true peace. Amen.

Senator Watters led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. I'd like to introduce one of our pages, Jacqueline Hale. How are you? Welcome. You're seventeen years old, you're from Brookline, New Hampshire and attend the Hollis-Brookline High School and your favorite subject is social studies. Good for you; mine too. Your extracurricular activities are field hockey, coaching basketball, theater, vocal performance which is akin to my heart, baby sitting, Red Cross Club and photography. Welcome.

We have another page here, Gabi or Gabrielle Frugard and she's eighteen years old, she's in the twelfth grade and her hometown is Brookline, her school is of course Hollis-Brookline High School. Her favorite subject is literature and her extracurricular activities is Red Cross Club and she's the president, field hockey player and she works at the You You Japanese Restaurant, if you like sushi, that's the place to go in Nashua.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor Sununu.

Senator Bradley offered the following Resolution:

RESOLVED that the Senate is ready to meet with the honorable House of Representatives in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor Chris Sununu. Adopted.

Recess to meet in Joint Convention. Out of recess.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, February 22, 2018. Adopted.

EDUCATION

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 570-FN, relative to the work requirement for the child care scholarship program.

FN REPORT FOR FEBRUARY 15, 2018

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

CONSENT CALENDAR:

COMMERCE

SB 414-FN, establishing a condominium dispute resolution board.

HEALTH AND HUMAN SERVICES

SB 550-FN, relative to drop in or walk in clinics.

REGULAR CALENDAR:

ELECTION LAW AND INTERNAL AFFAIRS

SB 440-FN, relative to prohibited political contributions.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 536-FN, relative to eligibility for death benefits for court security officers.

SB 570-FN, relative to the work requirement for the child care scholarship program.

HEALTH AND HUMAN SERVICES

SB 545-FN, increasing the age for sales and possession of tobacco products.

SB 552-FN, relative to transportation of trauma victims by first responders.

PUBLIC AND MUNICIPAL AFFAIRS

SB 504-FN, relative to sales of tax-deeded property.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

COMMERCE

SB 353-FN, relative to direct shippers of alcohol—if Inexpedient to Legislate recommendation is overturned.

EDUCATION

SB 432-FN-L, relative to an elective course in SAT preparation—if Inexpedient to Legislate recommendation is overturned.

ENERGY AND NATURAL RESOURCES

SB 529-FN, authorizing river maintenance in the town of Warren.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 538-FN, including police officers of the capital area police unit in group II of the retirement system.

REGULAR CALENDAR:

COMMERCE

SB 352-FN, relative to examinations of injured employees under workers' compensation law.

SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits—if Inexpedient to Legislate recommendation is overturned.

ENERGY AND NATURAL RESOURCES

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 533-FN, relative to the composition and compensation of the personnel appeals board.

SB 535-FN, relative to licensure for the practice of professional art therapy.

SB 578-FN, relative to unclassified positions within the department of health and human services.

HEALTH AND HUMAN SERVICES

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

COMMERCE

SB 353-FN, by Senator Morse

EDUCATION

SB 357, by Senator Daniels

SB 432-FN-L, by Senator Gannon

HEALTH AND HUMAN SERVICES

SB 474, by Senator Bradley

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 as follows:

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

COMMERCE

SB 311, clarifying rules of construction under the New Hampshire Trust Code.

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

The current wills chapter provides that children and their descendants who were inadvertently omitted from a will would receive the same share of the estate as if there had never been a will. This bill would amend the wills chapter to make it clear it was never intended to apply to trusts. Wills that are intended to disinherit children are carefully drafted with specific language to avoid any question of inadvertent omission. This clarifies the statute which has been practice for many years.

SB 414-FN, establishing a condominium dispute resolution board. Interim Study, Vote 5-0. Senator Innis for the committee.

This legislation would give condo owners and sometimes condo boards a chance to have their grievances heard without the cost of going to court. Although this bill is needed in a few cases, the committee felt that this bill needs further consideration and refinement and in its current form it may cause unintended consequences with the condo boards that are running smoothly.

SB 415, relative to condominium unit owners' special meetings. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Currently 50% of ownership of a condo association is required to call for an informational meeting. This bill lowers that to 33% and allows the condo owners to request a special meeting. If a special meeting is held, the members can only change the membership of the board which would be stated on the notice of the special meeting.

Commerce
February 7, 2018
2018-0510s
10/05

Amendment to SB 415

Amend RSA 356-B:37, II as inserted by section 1 of the bill by replacing it with the following:

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of ~~[an informational]~~ **the special** meeting, the purpose of which shall be to present the issue to fellow residents and unit owners **and to vote on the removal or replacement of one or more members of the board of directors as set forth in the meeting notice**. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

2018-0510s

AMENDED ANALYSIS

This bill provides that requesting members of a condominium unit owners' association may give notice of a special meeting to vote on a duly noticed proposal, including the removal or replacement of a member of the board of directors.

SB 417, relative to days of rest for employees of recreation camps and youth skill camps. Ought to Pass, Vote 5-0. Senator Innis for the committee.

This bill exempts employees of a recreation camp from the laws prohibiting Sunday work. Currently, the only way to work on Sunday is to apply for a waiver and this bill would allow these employees to work Sundays if they wish to do so. This is a small technical change to help our camp industry all across the state of NH.

EDUCATION

SB 359, relative to notice to school districts of out-of-home placements.

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

As amended, this bill requires the department of health and human services to notify a school district of a child's Out-of-Home Placement recommended by the department through an administrative process or initiated by the department through a juvenile court proceeding. Out-of-home placements includes instances of child protection, child delinquency or children in need of services cases. The department will notify the child's school district as soon as possible of development of a transition plan and will work with the school district on a change in placement that is consistent with the best interest of the child and assures the child's educational stability. Transition plans will reflect the objective of having the least disruption to the child's education. This amendment was developed by the department and reflects a consensus of stakeholders who provided testimony to the Committee.

Senate Education
February 6, 2018
2018-0487s
05/10

Amendment to SB 359

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

1 Child Protection Act; Notice to School District of Out-of-Home Placement; Development of Transition Plan. Amend RSA 169-C:20-a to read as follows:

169-C:20-a Notice to School District of Out-of-Home Placement; **Development of** Transition Plan [Required].

I. If the department of health and human services recommends or initiates an out-of-home placement or a change in placement [~~that will result in a change of school assignment~~], whether within or out of the district, the department shall notify the school district as soon as possible **of the change in placement and shall work with the school district to determine how, consistent with the best interest of the child, to assure the child's educational stability** [~~to allow the school district to participate in the facilitation of a successful transition of the child from one school to the next~~].

II. **When necessary to transition the child to a different school or school district**, the department and school district shall develop a transition plan for the child. The objective of the plan shall be to minimize the number of placements for the child and to facilitate any change in placement or school assignment with the least [~~emotional and mental impact to the child~~] **disruption to the child's education**. To the extent appropriate, the child may be involved in the formation of the plan.

2 New Section; Delinquent Children; Notice to School District of Out-of-Home Placement; Development of Transition Plan. Amend RSA 169-B by inserting after section 22 the following new section:

169-B:22-a Notice to School District of Out-of-Home Placement; Development of Transition Plan.

I. If the department of health and human services recommends or initiates an out-of-home placement or a change in placement, whether within or out of the district, the department shall notify the school dis-

strict as soon as possible of the change in placement and shall work with the school district to determine how, consistent with the best interest of the child, to assure the child's educational stability.

II. When necessary to transition the child to a different school or school district, the department and school district shall develop a transition plan for the child. The objective of the plan shall be to minimize the number of placements for the child and to facilitate any change in placement or school assignment with the least disruption to the child's education. To the extent appropriate, the child may be involved in the formation of the plan.

3 New Section; Children in Need of Services; Notice to School District of Out-of-Home Placement; Development of Transition Plan. Amend RSA 169-D by inserting after section 18-a the following new section:

169-D:18-b Notice to School District of Out-of-Home Placement; Development of Transition Plan.

I. If the department of health and human services recommends or initiates an out-of-home placement or a change in placement, whether within or out of the district, the department shall notify the school district as soon as possible of the change in placement and shall work with the school district to determine how, consistent with the best interest of the child, to assure the child's educational stability.

II. When necessary to transition the child to a different school or school district, the department and school district shall develop a transition plan for the child. The objective of the plan shall be to minimize the number of placements for the child and to facilitate any change in placement or school assignment with the least disruption to the child's education. To the extent appropriate, the child may be involved in the formation of the plan.

4 Effective Date. This act shall take effect 60 days after its passage.
2018-0487s

AMENDED ANALYSIS

This bill requires the department of health and human services to notify the child's school district of an out-of-home placement recommended or initiated by the department in a juvenile court proceeding.

SB 433, relative to the annual filing of statistical reports to the department of education.

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

This bill permits public education agencies to submit annual statistical reports to the Department of Education electronically. Currently, a written signature is required to submit such reports. Electronic submission would be an option available to public education agencies.

SB 434, relative to school nurse certification.

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

This bill makes certain requirements for school nurse certifications and sets out a process for the selection of school nurses. Largely, this bill corrects a drafting error from a policy adoption last session in order to give clarity to current law. The committee amended the legislation to make a further clarification, recommended by the department of education, in order to accommodate those who cannot meet the requirements for certification who have already been working in the field.

Senate Education
February 6, 2018
2018-0486s
08/05

Amendment to SB 434

Amend RSA 200:29, IV as inserted by section 2 of the bill by replacing it with the following:

IV.(a) All school nurses hired on or before September 1, 2018 and having applied for certification by March 1, 2019 shall not be subject to the certification requirements listed in paragraph II but shall be required to hold certification pursuant to rules adopted by the state board of education.

(b) All school nurses hired after September 1, 2018 and before July 1, 2022 holding an associates' degree in nursing, and all nurses hired before September 1, 2018 who did not meet the application deadline in subparagraph (a), shall be enrolled in a registered nurse to bachelor of science, nursing program and shall complete such program within 6 years of the date of initial school nurse certification pursuant to rules adopted by the state board of education.

(c) All school nurses hired after the effective date of this paragraph holding a bachelor's degree or higher in nursing shall hold certification pursuant to rules adopted by the state board of education.

(d) All school nurses hired on or after July 1, 2022, shall meet the certification requirements listed in paragraph II pursuant to rules adopted by the state board of education.

Amend the bill by replacing section 3 with the following:

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

SB 435, relative to alternative programs for granting credit leading to graduation.

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

This bill requires the state board of education to adopt rules for approving alternative programs for granting credits leading to graduation. This legislation will help to ensure that students who are participating in a program, such as a sport or musical activity, outside of class, may be able to receive credits towards graduation for participating in such programs.

Senate Education
February 6, 2018
2018-0488s
06/04

Amendment to SB 435

Amend RSA 193-E:2-a, V(a) as inserted by section 1 of the bill by replacing it with the following:

V.(a) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining the minimum standards for public school approval for each area of education identified in paragraph I. Each school district shall be responsible for maintaining, updating, improving, and refining curriculum. The curriculum shall present educational goals, broad pedagogical approaches and strategies for assisting students in the develop-

ment of the skills, competencies, and knowledge called for by the minimum standards for public school approval for each area of education identified in paragraph I. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

SB 437, relative to the robotics education development program.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

This bill adds eligibility criteria for grants to schools from the robotics education fund and also provides for additional grants in the event that funds remain in the fund after all initial requests have been met. The committee amended the bill to ensure that the program that the school seeks to participate in has demonstrated gains in students' STEM outcomes, as decided by the department of education.

Senate Education
February 6, 2018
2018-0492s
06/05

Amendment to SB 437

Amend RSA 188-E:24-a, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) That the program the school seeks to participate in has demonstrated gains in students' STEM outcomes as determined by the department of education.

Amend RSA 188-E:24-a, IV as inserted by section 1 of the bill by replacing it with the following:

[V] IV. Subject to the provisions of subparagraph V, no school shall receive more than one grant every 2 years, however, a school district may receive multiple grant awards.

Amend RSA 188-E:24-a, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the event that additional funds exist in the fund after all initial grant application requests have been met, the commissioner shall award schools additional grants for additional requested teams in accordance with subparagraph (a). If a school receives a grant for any additional teams, such grant shall be made at the same time as the grant for the initial team. In the event that a school received a grant or grants in the prior year and qualifies for an additional team or teams, such grant shall be made in the usual manner.

SB 441, relative to final grades in schools.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill provides that the state board of education shall require school districts to adopt a policy that a student's grade, as determined by his or her teacher, is final. This bill seeks to remedy situations in which a student's grade has been changed without informing the teacher on record.

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

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

This bill amends the surety bond required of private, postsecondary, career schools and establishes a procedure for license suspension. The current surety bond of 10 percent of gross tuition or a minimum of \$10,000 is not sufficient to the range in of courses or programs offered at postsecondary career schools. Amending this law to an amount sufficient to reimburse the tuition of any student contract which cannot be fulfilled and a minimum of \$10,000 strikes a balance between student protection and not creating undue hurdles for businesses that choose to operate in New Hampshire.

ELECTION LAW AND INTERNAL AFFAIRS

SB 320, relative to checklists used at elections.

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

This is a housekeeping bill to correct changes in the language of RSA 659:98 and 669:25 that referred to paragraphs no longer in existence. The bill also clarifies language in RSA 654:25 which had been misinterpreted.

ENERGY AND NATURAL RESOURCES

SB 366, relative to members of the site evaluation committee.

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

This bill changes certain requirements concerning membership on the Site Evaluation Committee and comes at the request of the Public Utilities Commission. SB 366 is meant to facilitate the workings of the SEC to adequately address its responsibilities, given the submission of complex applications and required hearings to get input from the general public. Currently, the SEC operates with a limited pool of public members to serve on the full committee and subcommittees. SB 366 will allow for a greater pool of public members to fill positions on committees.

Energy and Natural Resources

January 30, 2018

2018-0379s

10/08

Amendment to SB 366

Amend RSA 162-H:3, V as inserted by section 2 of the bill by replacing it with the following:

V. Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

Amend RSA 162-H:4-a, II as inserted by section 5 of the bill by replacing it with the following:

II. When considering the issuance of a certificate or a petition of jurisdiction, a subcommittee shall have no fewer than 7 members. [~~The 2~~] **Two** public members shall serve on each subcommittee with the remaining 5 or more members selected by the chairperson from among the state agency members of the committee. Each selected member may designate a senior administrative employee or staff attorney from his or her respective agency to sit in his or her place on the subcommittee. The chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the subcommittee's business.

SB 529-FN, authorizing river maintenance in the town of Warren. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

This bill, as amended, requires the Department of Environmental Services to conduct a study to determine options and costs for a solution to the perennial damage caused by the Baker River in the town of Warren and makes an appropriation for such study. The bill allocates \$1.00 to DES to conduct the study. This allocation is meant to be a placeholder until DES comes up with a cost estimate for the study and design.

Energy and Natural Resources
January 31, 2018
2018-0391s
08/04

Amendment to SB 529-FN

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

AN ACT requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.

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

1 Department of Environmental Services; Baker River Study. The department of environmental services shall conduct a study to determine options and costs for a permanent solution to the perennial damage caused by the Baker River in the town of Warren. The department of environmental services shall consult with the department of transportation, the fish and game department, and the department of natural and cultural resources on the design of such permanent solution.

2 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of environmental services for the purpose of the study required in section 1 of this act. This appropriation is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2018-0391s

AMENDED ANALYSIS

This bill requires the department of environmental services to conduct a study to determine options and costs for a solution to the perennial damage caused by the Baker River in the town of Warren and makes an appropriation for such study.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.

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

The bill removes the requirement that a member of the medical review subcommittee be from the board of medicine and will reduce the time limitation for allegations of professional misconduct enforced by the board of medicine. The 5-year limitation period is in line with all boards under the Office of Professional Licensure and Certification.

SB 329, relative to inspections of county correctional facilities.
Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

This bill removes the requirement that the county commissioners make a written report to the attorney general after inspection of a county correctional facility. At the request of the prime sponsor this bill was Inexpedient to Legislate.

SB 374, relative to adoption of emergency medical and trauma services protocols.

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

This bill exempts the adoption of emergency medical and trauma services protocols from the rulemaking process under RSA 541-A. This will assist in streamlining the protocol adoption process, while maintaining public and stakeholder input in the process, both informal and formal.

SB 456, relative to the appointment of the state medical director for emergency medical services.

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

This legislation as amended, requires the Commissioner of the Department of Safety to appoint, following consultation with the Emergency Medical Services Control Board, the state medical director for Emergency Medical Services. The legislation will allow the Bureau of Emergency Medical Services to explore alternatives to the volunteer state medical director position, which has been unchanged since the beginning of the Emergency Medical Services in New Hampshire, despite significant advancement and increasing demands pertaining to this role.

Senate Executive Departments and Administration

February 7, 2018

2018-0519s

05/04

Amendment to SB 456

Amend RSA 153-A:7, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Appoint, following consultation with the emergency medical services medical control board, the state medical director for emergency medical services, who shall be academically and technically qualified to hold the position.

SB 538-FN, including police officers of the capital area police unit in group II of the retirement system.

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

The legislation clarifies the status of police officers of the Capital Area Police Unit and will include these officers in Group II of the New Hampshire Retirement System. These officers have the same responsibilities as other police officers. Their main focus is at the state office complex. The amendment was brought forward to clarify where their positions are located and was a request of the local police department.

Senate Executive Departments and Administration
February 7, 2018
2018-0521s
10/05

Amendment to SB 538-FN

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

AN ACT including police officers of the state office complex police force in group II of the retirement system.

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

1 Department of Safety; Duties of Commissioner; State Office Complex Police Force. Amend RSA 21-P:4, XI to read as follows:

XI. Have the discretion to grant to [security] **police** officers of the [~~New Hampshire hospital security force~~] **state office complex police force** such titles, ranks, and police powers as the commissioner deems necessary [~~up to and including that of ex officio constables~~] including the power of arrest for violations of the criminal and motor vehicle laws and the power to serve criminal process, and may limit such powers as deemed necessary. They shall have general police powers on the state office campus and New Hampshire hospital grounds and when [~~in hot pursuit of~~] **attempting to apprehend** a person who has committed a crime on the campus or escaped from the hospital, and when acting to transport a patient to or from the hospital, the court, or another mental health facility, **or when acting to transport to or from a police station or correctional facility.**

2 State Office Complex Police Force. Amend RSA 21-P:7-b to read as follows:

21-P:7-b [~~New Hampshire Hospital Security Force~~] **State Office Complex Police Force.** The commissioner of safety is authorized to organize a [~~hospital security force~~] **state office complex police force** for the purpose of patrolling the New Hampshire hospital's buildings, roads, and grounds of the campus of the state office park south and providing for general security on the campus. The [~~hospital security force~~] **state office complex police force** shall be under the immediate control of and responsible to the commissioner of safety or his or her designee.

3 Department of Safety; Memorandum of Understanding; State Office Complex Police Force. Amend RSA 21-P:7-c to read as follows:

21-P:7-c Authority of [~~Hospital Security Force~~] **State Office Complex Police Force** Officers; Memorandum of Understanding; Funding.

I. All [security] **police** officers of the [~~hospital security force~~] **state office complex police force** shall possess such police powers as are granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI. [~~All officers of the hospital security force hired after the effective date of this paragraph shall be required to meet the training standards required generally of~~] **and shall be fully certified as** police [~~offers~~] **officers** by the police standards and training council pursuant to RSA 106-L [~~and~~]. In addition **they** shall receive additional training in dealing with persons with mental illness as specified by the commissioner of safety after consultation with the chief executive officer of the New Hampshire hospital.

II. The commissioner of the department of health and human services shall enter into a memorandum of understanding with the commissioner of safety for the purposes of delineating the functions, duties, and responsibilities of the department of safety in regard to the provision

of security and dispatch services to the New Hampshire hospital. The memorandum of understanding shall include, but not be limited to: responding to emergencies within New Hampshire hospital, maintaining the security of the hospital buildings, insuring the safety of patients, staff, and visitors, apprehending involuntarily committed persons who leave the hospital without authorization, accepting custody of involuntary admissions, transporting patients for medical, legal, and other purposes, investigating cases of abuse, neglect, sexual assault, and other criminal conduct, providing training, and conducting searches and seizures of contraband. In addition, the department of safety shall provide dispatch services including, but not limited to: monitoring hospital access between 8 p.m. and 8 a.m., operating and monitoring video security systems, receiving incoming communications, assessing the priority of the call and dispatching appropriate assistance, coordinating emergency preparedness procedures, receiving incoming fire calls and alarms, and operating the switchboard between 8 p.m. and 8 a.m. and at other times as needed.

III. Within the limits of funds budgeted for ~~[hospital security force]~~ **state office complex police force** positions, the department of health and human services shall maintain the funding for the ~~[hospital security force]~~ **state office complex police force** and pay the department of safety for providing these services.

4 New Subparagraph; Retirement System; Group II Permanent Policeman; State Office Complex Police Force Added. Amend RSA 100-A:1, VII by inserting after subparagraph (f) the following new subparagraph:

(g) A police officer of the state office complex police force who:

(1) Has the responsibilities granted by the commissioner of safety under RSA 21-P:4, XI;

(2) Has full general arrest powers;

(3) As a job requirement is fully certified as a full-time police officer by the New Hampshire police standards and training council; and

(4) As a job requirement meets all physical, mental, educational, and other qualifications for continuing certification as a full-time police officer as established by the police standards and training council.

5 Retirement System; Group II; Exclusion of Security Officers Deleted. Amend RSA 100-A:1, VII-a (b) to read as follows:

(b) Any bingo or lucky 7 inspector, ~~[security officer appointed pursuant to RSA 21-P:7-b,]~~ any juvenile probation and parole officer, or any person employed in the bureau of trails of the department of natural and cultural resources; or

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

2018-0521s

AMENDED ANALYSIS

This bill clarifies the status of police officers of the state office complex police force and includes such officers in group II of the New Hampshire retirement system.

HEALTH AND HUMAN SERVICES

SB 332, relative to medication synchronization.

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

This bill would require insurance companies to offer prescription synchronization for the management of chronic conditions. Health care outcomes improve when patients are able to take their medi-

cation as prescribed and not miss doses. Allowing patients to synchronize their prescription refills will remove a large burden for patients, especially for patients with complex medical or mobility issues. The committee amendment clears up any concerns the insurance carriers had about how payment would be processed for the synchronization.

Health and Human Services
January 31, 2018
2018-0418s
01/04

Amendment to SB 332

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

1 New Section; Medication Synchronization. Amend RSA 415 by inserting after section 26 the following new section:

415:27 Medication Synchronization.

I. An individual or group health insurance plan or policy providing prescription drug coverage in New Hampshire, shall permit and apply a prorated, daily cost-sharing rate to covered prescriptions for a chronic condition that are dispensed by an in-network pharmacy for less than a 30-day supply if the prescriber and pharmacist determine the fill or refill to be in the best interest of the patient for the management or treatment of a chronic, long-term care condition and the patient requests or agrees to less than a 30-day supply for the purpose of synchronizing the patient's medications. For the purposes of this paragraph, the insured's or enrollee's maintenance prescription drugs to be synchronized shall meet all of the following requirements:

(a) They are covered by the policy, certificate, or contract described in this chapter.

(b) They are used for the management and treatment of a chronic, long-term care condition and have authorized refills that remain available to the insured or enrollee.

(c) Except as otherwise provided in this paragraph, they are not a controlled substance included in schedules II-V.

(d) They meet all utilization management requirements specific to the maintenance-prescription drugs at the time of the request to synchronize the insured's or enrollee's multiple, maintenance-prescription drugs.

(e) They are of a formulation that can be effectively split over required short-fill periods to achieve synchronization.

(f) They do not have quantity limits or dose-optimization criteria or requirements that will be violated when synchronizing the insured's or enrollee's multiple, maintenance-prescription drugs.

II. The plan or policy described in paragraph I shall apply a prorated, daily cost-sharing rate for maintenance-prescription drugs that are dispensed by an in-network pharmacy for the purpose of synchronizing the insured's or enrollee's multiple, maintenance-prescription drugs.

III. The plan or policy described in paragraph I shall not reimburse or pay any dispensing fee that is prorated. The insurer shall only pay or reimburse a dispensing fee that is based on each maintenance-prescription drug dispensed.

IV. A synchronization shall only occur once per year per maintenance-prescription drug.

2 New Section; Medication Synchronization; Managed Care Plan. Amend RSA 420-J by inserting after section 18 the following new section:

420-J:19 Medication Synchronization.

I. An individual or group health insurance plan or policy providing prescription drug coverage in New Hampshire, shall permit and apply a prorated, daily cost-sharing rate to covered prescriptions for a chronic condition that are dispensed by an in-network pharmacy for less than a 30-day supply if the prescriber and pharmacist determine the fill or refill to be in the best interest of the patient for the management or treatment of a chronic, long-term care condition and the patient requests or agrees to less than a 30-day supply for the purpose of synchronizing the patient's medications. For the purposes of this paragraph, the insured's or enrollee's maintenance prescription drugs to be synchronized shall meet all of the following requirements:

(a) They are covered by the policy, certificate, or contract described in this chapter.

(b) They are used for the management and treatment of a chronic, long-term care condition and have authorized refills that remain available to the insured or enrollee.

(c) Except as otherwise provided in this paragraph, they are not a controlled substance included in schedules II-V.

(d) They meet all utilization management requirements specific to the maintenance-prescription drugs at the time of the request to synchronize the insured's or enrollee's multiple, maintenance-prescription drugs.

(e) They are of a formulation that can be effectively split over required short-fill periods to achieve synchronization.

(f) They do not have quantity limits or dose-optimization criteria or requirements that will be violated when synchronizing the insured's or enrollee's multiple, maintenance-prescription drugs.

II. The plan or policy described in paragraph I shall apply a prorated, daily cost-sharing rate for maintenance-prescription drugs that are dispensed by an in-network pharmacy for the purpose of synchronizing the insured's or enrollee's multiple, maintenance-prescription drugs.

III. The plan or policy described in paragraph I shall not reimburse or pay any dispensing fee that is prorated. The insurer shall only pay or reimburse a dispensing fee that is based on each maintenance-prescription drug dispensed.

IV. A synchronization shall only occur once per year per maintenance-prescription drug.

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

2018-0418s

AMENDED ANALYSIS

This bill requires insurers offering health insurance policies with prescription drug coverage to allow covered persons to synchronize the dispensing dates of their prescription drugs.

SB 379, relative to retroactive denials of previously paid claims.

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

This bill would reduce the amount of time an insurance company can retroactively deny claims already paid to providers from 18 months to 12 months. Small provider offices struggle when insurance companies retroactively deny claims already paid and then ask for repayment or reduce payment on another claim. The committee recognized the need for insurance companies to have this ability but because of the increased need for providers, especially mental health and substance use treatment, a compromise was needed on the ability to retroactively deny claims and the ability for providers to be able to practice.

Health and Human Services
January 31, 2018
2018-0416s
01/05

Amendment to SB 379

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

1 Accident and Health Insurance; Retroactive Denials. Amend the introductory paragraph of RSA 415:6-i, II(b) to read as follows:

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed ~~[18]~~ **12** months. The retroactive denial of a previously paid claim may be permitted beyond ~~[18]~~ **12** months from the date of payment only for the following reasons:

2 Managed Care Law; Retroactive Denials. Amend the introductory paragraph of RSA 420-J:8-b, II(b) to read as follows:

(b) The time which has elapsed since the date of payment of the challenged claim does not exceed ~~[18]~~ **12** months. The retroactive denial of a previously paid claim may be permitted beyond ~~[18]~~ **12** months from the date of payment only for the following reasons:

SB 476, establishing a committee to study reinstituting the unemployed parent program.

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

This bill establishes a committee to study reinstating the unemployed parent program that provides access to the HHS division of family assistance work program, which is the only TANIF program available to two parent families that have suffered loss of income as a result of unemployment. This program was very successful before it was ended in 2011. Putting families back to work is essential in reducing the number of children in New Hampshire going to bed every night hungry. This bill was a recommendation from the commission to study childhood hunger.

Health and Human Services
February 7, 2018
2018-0516s
05/10

Amendment to SB 476

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

(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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.

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

This bill establishes a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs. The role of the pharmacy benefit manager has evolved considerably since first appearing. It is important to make sure that the intended goals of PBMs are being met and that the industry is continuing to act in the best interest of the consumer.

Health and Human Services
February 7, 2018
2018-0511s
01/04

Amendment to SB 481

Amend subparagraph I(a) as inserted by section 3 of the bill by replacing it with the following:

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

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

4 Duties. The committee shall:

I. Study the role pharmacy benefit managers (PBM) play in the cost, administration, and distribution of prescription drugs. The committee's study shall include, but not be limited to:

(a) The effects of PBMs on the overall costs of health insurers.

(b) PBMs use of "clawbacks" and "gag clauses" and the impact on consumer costs and rebates.

(c) The impact of PBMs with respect to retail pharmacy pricing decisions.

(d) A review of appropriate PBM oversight and the potential for such oversight to aid in lowering drug costs to consumers.

(e) A review of the potential differences in costs for insurers that use PBMs to manage pharmacy benefits and insurers that independently manage this benefit.

(f) Access to pharmacies.

SB 486, establishing a commission to study enhancing the prescription drug donation program.

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

This bill establishes a commission to study enhancing the program of donating, accepting, and dispensing unused drugs established in RSA 318:58. The commission will convene all relevant stakeholders to determine how best to strengthen and expand this program. The board of pharmacy testified that they are ready to support the commission in providing whatever information they may need.

Health and Human Services
February 7, 2018
2018-0513s
01/06

Amendment to SB 486

Amend RSA 318:58-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

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

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

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

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

(4) The executive director of the New Hampshire Pharmacists Association, or designee.

(5) The executive director of the New Hampshire Providers Association, or designee.

(6) The executive director of AARP New Hampshire, or designee.

(7) A member of the New Hampshire High Tech Council's Bio-Tech/MedTech Cluster, appointed by the council.

(8) A public member with experience providing access to affordable prescription drugs in under served communities, appointed by the governor.

SB 550-FN, relative to drop in or walk in clinics.

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

This bill would have removed the requirement for walk in clinics to receive a facility license from the department of health and human services. The committee agreed that the requirements to obtain a facility license are not onerous and that the facility license plays a part in ensuring safe healthcare delivery for all patients. Interim Study will allow stakeholders an opportunity to try and find a compromise on the issue.

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

REGULAR CALENDAR

COMMERCE

SB 316, relative to the regulation of online auctions.

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

Commerce

February 7, 2018

2018-0507s

05/03

Amendment to SB 316

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Auctioneers; Exceptions; Internet Auctions. Amend RSA 311-B:13 by inserting after paragraph V the following new paragraph:

VI. Any auction conducted over the Internet shall be exempt from the requirements of this chapter.

2018-0507s

AMENDED ANALYSIS

This bill exempts auctions conducted over the Internet from the requirements of RSA 311-B.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on SB 316. For the record I am an auctioneer, I've been an auctioneer for forty years and licensed as such. I also sell online but I will be participating in this bill. This bill will codify in statute what already is common practice which will allow people to sell for others on online auctions. The Board of Auctioneers is under the jurisdiction of the secretary of state and he agrees with this legislation. So I ask that you support the committee recommendation of Ought to Pass with Amendment on SB 316. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.
(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, President Morse. I rise in opposition to Ought to Pass on this legislation. I don't understand why we would be removing regulations from a key segment of the auctioneering industry in our state and putting those who just do live auctioneering at a disadvantage to those with regard to online because those auctioneers online don't have any obligations and we're exposing our consumers to great risk. And it is going to do away with appropriate licensure and consumer protection at a time when frankly we are seeing more and more auctions taking place online and we're not just talking about real estate auctions, we're talking about auctions, all different kinds of auctions and there's no way to be able to prevent scams or frauds or theft with regard to these online auctions if we pass this bill. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I ask the body to support the Commerce Committee position on the bill of Ought to Pass as Amended. We have to remember that we just heard the Governor speak, the State of the State Address. Part of that State of the State address was New Hampshire is now one of the most heavily regulated states in America. We know that there are forty-two other states in this country that do not have any regulation or licensing required for auctioneers. Our opportunity to join the forty-two states and recognize that we are over-regulating the businesses and individuals in the state is an important one. So I ask that the body support the motion of Ought to Pass with Amendment. Thank you, Mister President.

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

SB 352-FN, relative to examinations of injured employees under workers' compensation law.

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

Recess. Out of recess.

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise on behalf of the Commerce Committee in support of Senate Bill 352. This bill would allow workers who are covered under workers' compensation to seek an independent medical exam when the worker is dissatisfied with the employer or employers' carriers' provider determination. This bill, contrary to some of the concerns that has been raised, has nothing to do with medical treatment. Medical treatment remains the same. This is specifically in the case of when an employee has had an independent medical examination, a specific determination has been made. This is end of treatment, this is when a decision has been rendered that that worker would then be allowed to seek an independent medical exam. Essentially the legislation creates parity; parity within a system where many people both on the employer and employees side came together decades ago to come up with our workers' compensation system, to set clear guidelines and clear rules. Since that time some insurance carriers and products have changed, this further clarifies that if you have access to insurance that is not under a managed care program you would have the same access to an IME as others would. Thank you, I'm losing my breath. So I would ask on behalf of the Commerce Committee that you vote Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to vote against the Ought to Pass motion so I can introduce a second motion. And I appreciate the comments from my colleague in Senate District 18. We have to understand and remember there are two parts of workers' comp. Workers' comp was established to support both workers and the business community if someone got hurt on the job, that they would have no cost for their injury. Over time the workers' comp program actually established and expanded to essentially a two part program, where there is a first part about ensuring that that injured employee seeks and obtains the medical care that they need for their injury and over time we've established a second benefit of long term indemnity payments, disability payments that if an employee as a result of their injuries has long term or can make their case or their doctor can make their case that their injury has long term systemic challenges that they're able to receive up to 85 percent of their gross pay what could be for life.

We know when this program came it was an added benefit to people to be there for them, making sure they get the help if they're injured, and then the question is, is their injury long term and debilitating. As my colleague has indicated, this is not about the first half; this is not about the first half that if someone gets hurt they go to a doctor, they get the care that they need. What the independent medical exam is about is determining whether or not that person has a long term systemic injury. So what this bill looks to do is to allow someone who if they don't like what their doctor says, go find another doctor who might change their opinion or provide a different medical outcome at the expense of the business community. Now we know Mister President, there's essentially one a day at this point under the workers' comp program, one a day, where people are going for an IME. We have to be very careful that, remember these are already independent in the first case so if someone is just unhappy with what that doctor says, allowing or beginning a system that will allow people to go in search of other medical opinions to lead to a potential other outcome might be a step too far. So Mister President, again I'd ask that the body reject the Ought to Pass motion so I could make a subsequent motion. Thank you very much.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: If I may speak for a second time Mister President, just to clarify once again; this isn't the treating physician. This is the independent medical exam. Under the current law if you're covered by managed care and a determination is rendered as the result of an independent medical examination, you have an opportunity to seek a second exam. The law's very clear about that. What you don't get to do is if you're not covered by a managed care system, you don't get to shop around. The independent medical exam has already occurred. You would, like the folks who are covered by managed care, get that second opinion. What happens now when they don't is that frequently they're not able to make their case. This is a parity situation, this doesn't increase the number of claims, this doesn't increase the number of injured workers, what this says is that once you've reached the point of determination, if you have one type of insurance you're entitled to an independent medical exam, if you have another type you're not. You can get it, but you have to get it at your own expense. That's not fairness, this bill is to affect a discrete

group of people and to create parity within our existing process. Simple as that, parity whether or not you have a managed care program or you're covered by another type of insurance. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise to, I apologize I didn't provide and for the record as an employer I do carry workers' comp insurance for my employees so I may or may not have a conflict under ethics laws I'm still participating. We have to remember when you start looking at the expenses coming out of the workers' comp system that as of today there's actually been an inversion where only 40 percent of the payments today are actually for medical expenses and 60 percent are the payments made out every year at this point on a workers' comp are actually for long term indemnity payments. We also know that there is a difference between someone under Medicaid or a managed care that doesn't have that ability to pick their doctor and what we're talking about in this subject matter here, where employees actually have the ability to pick their doctor or in this case are looking for a second opinion, again at the expense of the business community. So again my colleagues I'd ask that you reject the Ought to Pass motion so we can make a subsequent motion. Thank you, Mister President.

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

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

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

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

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

Senator Sanborn moved Inexpedient to Legislate.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask the body not to vote ITL. I believe that there should be an alternative motion here. I know that I have questions, questions that were raised during the debate and I believe perhaps a motion of Interim Study might be more appropriate here to answer the questions because if there truly is not equality and parity between these two systems, I really think that we should take a look at it and decide what we need to do in order to ensure that. Thank you very much, Mister President.

Senator Sanborn withdrew Inexpedient to Legislate.

Senator Sanborn moved Refer to Interim Study.

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

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

The following Senators voted No: Giuda, Sanborn.

Roll Call, Yeas: 22 - Nays: 2. Adopted.

SB 416, relative to transportation network company drivers.
Ought to Pass, Vote 3-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on Senate Bill 416. This legislation is intended to create certainty as to the classification of individuals who use transportation network company digital platforms to transport customers. The bill creates a presumption that a TNC driver is an independent contractor if all five criteria laid out in the bill are met. It also provides guidance to our state agencies without removing their authority to investigate all cases and enforce the employment law of our state. From the ride sharing drivers perspective it further spells out their employment status and continues to afford them the freedom and flexibility to pick and choose their own hours and ride sharing platforms, something the overwhelming majority of drivers surveyed indicate is very important to them is picking their own hours and choosing a particular platform at one time or another and drivers often switch between Lyft and Uber and others. New Hampshire consumers have made it loud and clear, they want ride sharing services and this legislation will help add clarity and certainty for both regulators and the industry in our laws and encourage continued growth of this business. Please vote Ought to Pass on Senate Bill 416 to create TNC drivers as independent contractors. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition of Ought to Pass on this piece of legislation. For those who were here a couple of years ago, my good friend from District 18 and others worked in a bipartisan way to establish the regulatory framework for ride sharing. Part of that debate and discussion as my friend from District 18 and 19 will remember, was a conversation about independent contractor status. It was expressly left out of that bill. And subsequent to passing this a couple of years ago and working in a bipartisan way, ride sharing has ballooned throughout our state. It's thriving, it's a thriving part of our economy in Manchester and Concord and around the state. So the notion that this particular piece of legislation is necessary is just not true. We put in place, working in a bipartisan way, a business friendly framework to allow ride sharing to exist and it's ballooned in a big way. So what does this do? This creates a special exemption for a particular type of industry from our independent contractor statutes. We already have a misclassification problem Mister President, in the state of New Hampshire with respect to misclassifying people independent contractors when they're actually employees and as a consequence those folks, when they get injured they don't have workers' comp, those folks when they lose their job they don't have unemployment insurance, those folks don't have the kind of rights that should exist for people who are employees. So why not allow as is the law today, a case by case evaluation of whether or not these drivers are independent contractors, of whether or not those specific drivers are employees? That's it; that's the existing law. But it seems as though people just want to change the law, change the rules of the game and call everybody de facto independent contractors. Why not play by the same set of rules every other industry plays by? That's what this is about. And I don't think it's fair to change the rules for one specific industry. So respectfully, I would encourage us to vote down Ought to Pass.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise and ask the body to support the Senator from District 24's position of Ought to Pass on this. And many of us were here during the ride sharing

bill that went on and we do understand that classification of employees was left out so here we are today trying to fix that, as one would think that we would. So as I heard my colleague from District number 15 say ride sharing is booming, I think his words were it's ballooning and it's thriving, because yes that's what the free market actually does, it allows for businesses to come to our state to balloon, to thrive and be successful. Now the question is whether or not someone should be an indentured employee of an organization or whether they're not; are they a subcontractor or are they working for themselves. So in this case we have to remember that people in ride sharing organizations are driving their own car, not a company car, not something from the ride sharing organizations, they're driving their own car. They're setting their own hours, no ride sharing corporation comes in and says you have to work this time to this time, this day to this day. You can set your own hours. You make the decision where you want to drive your car offering your service. I, for the record, have friends who actually participate in this. Some days they roll out of bed and say I'm going to go to Boston today and set up my shop in Boston. Other days they say let's go to Portsmouth. There are other ride sharing people that say I'm going to participate in many ride sharing organizations, there are several of them that are available today, I'm going to go out and put my shingle on my car for several of them. Now does that sound like someone's an employee, or does that sound like someone who's running their small business for themselves? Mister President, I would submit to you that that sounds like people who are actually running their own small business for themselves and we should recognize the fact, as this law does, that we are baking in the legislation that these truly are not employees but independent contractors. So I'd ask that the body support the legislation and the recommendation of the Commerce Committee. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I would encourage you to overrule the Ought to Pass. I too was involved in the ride sharing negotiations several years ago. This issue of employee versus independent contractor was not left out, it was part of the agreement that was made moving forward to put the laws on the books that we have today. And I would ask others here, we know that such entities like Lyft and Uber, they provide insurance for their employees, they provide certain protections for the people who drive for them. They've been willing and agreed to do that if they suddenly become independent employees there are many protections that are going to be lost if they become independent contractors as opposed to employees. So I'm disheartened that we would sit at the table; that we spent many hours we would hammer out a compromise and now we see a bill coming forward that flies in the face of that compromise.

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

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

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

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

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

ANNOUNCEMENTS

PRESIDENT MORSE: For the Senators, we recently lost one of our former colleagues, Senator Sam Cataldo, and Cheryl has come here, now, to join us. I have a few words, but when I finish if any of the Senators want to say something I'm sure it will be appreciated.

Sam passed suddenly on the morning of February 3, 2018 in Farmington. He was a young 80 year old active man touching the lives of many with numerous involvements in the public eye for countless years. He was born in 1937 in Lawrence, Massachusetts; graduated from Central Catholic in Lawrence in 1956. He enlisted in the United States Air Force on June 29, 1956. He had a varied and extensive career. His work history included research and development for Avco; technical writer for Raytheon; private contractor for Seabrook Nuclear Power Plant; owner of Cristy's Beachway Pizza; cemetery superintendent at Saint Mary's in Lawrence, Massachusetts; computer instructor; Cessna Pilot; multi-engine land of 8,000 hours; decontamination project manager; nuclear trainee consultant; nuclear sight superintendent. He served on countless committees, and was a supporter of many programs; a member of the Knights of Columbus; a member of the Sons of Italy; supporter of a veteran's kid; lifetime member of the NRA; advisor to the New Hampshire Health and Human Service Radiological Assessment Team; member of the Strafford County Delegation; a member of the Nursing Home subcommittee; New Hampshire GOP delegate; treasurer of Strafford County Republican Committee; Budget Committee in Farmington; 2009 Norris Cotton award recognition of service in the Republican Party; Chairman to the Radio Frequency Identification Commission; Uses of Biodiesel for Home Heating and Renewable Energy; commission member of New Hampshire Estuaries Project in the Great Bay; study committee member for Low Income Assistance Program; Hazardous Material Program for New Hampshire; statutory committee for New Hampshire Automated Information Systems Board; Nuclear Waste Policy Advisory Board; Gas Utility Reconstruction Oversight; Telecommunications Oversight Committee; and original author and sponsor of establishing a geothermal project for the state of New Hampshire.

Many of you knew Sam and remembered him fondly. I'd like to share just a few things that have been said about him. Senator D'Allesandro, you said Sam was one of a kind, and a dedicated public servant. Senator Reagan, who shared an office with Senator Cataldo at the State House for years, recalled godfather like jabs in an interview with the *Concord Monitor*. He always said he was Sicilian, and joked that you shouldn't mess with him.

Senator Cataldo retired from the Senate in 2016 to be able to spend time with his family. He wrote this: "I have had the utmost pleasure of serving my constituents in District 6 as a state Senator. I am thankful for all the support I have received throughout my time in the legislature. In all my professional careers and roles I have served in, being a state Senator has been the most rewarding work I have been able to do in my life".

I think we all share his deep admiration. He was a truly genuine, caring man, as well as a thoughtful and committed public servant. His love and concern for the state and his community was evident to his ongoing participation in public life, and his service and personality will surely be missed by many throughout the state. I wrote this, and Susan and I continue to share our thoughts and prayers as I know all of you do. Cheryl, I'm so sorry.

CHERYL CATALDO: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President, and very kind words, and well-spoken and well written, so thank you. Sammy was a good fellow, tutto Italiano, which was very important to me, and very important to him. There isn't anybody that would go to the hospital and have two knees replaced at the same time, but Sammy did it, and he was back here in that seat quickly. He was a one of a kind guy; a one of a kind guy. Now in my coaching days I coached against Lawrence Central Catholic when I was at Bishop Bradley High School in Manchester. And Sammy was there during the great days when Lawrence Central was a powerhouse. They did well in football, they did well in basketball, and he talked to me many times about his football playing days. So, we had something in common. But, you know, when we leave this earth we all say we wanted to make a difference. And, Sammy had a unique way, but he did make a difference and we enjoyed him. I think his constituents were well served. The tragedy of the loss is we all go too soon. You know, but you can't pick the time, and it is what it is. The tragedy is you leave a wonderful family behind, and they've got to carry on. So the legacy of Sam Cataldo is you and the family, la famiglia, as we used to say. Mille grazie. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. It was really interesting, Cheryl, to hear such a long list of accomplishments. We just knew Sam as Sam—one of the most decent, kind, caring, compassionate people ever to serve in this body. And, he loved you in ways that are unexpressible, always talked about you, and his legacy will live on through you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Cheryl, it was a true honor to be able to serve with your husband. I worked with him on a number of committees here in the Senate, and Sam was, probably, one of the strongest, most principled, and honorable men that I have served with. I think everyone here knows that when Sam made up his mind, that was it. Don't, don't, don't try to get him to change his mind it's just not going to happen. But, he was someone that we could all work with, we could depend on him, his word was good. And when he said something he meant it. And in today's political climate sometimes that just doesn't happen. So it really and truly was an honor to work with him. I think he set a tone, and he set an example for all of us to follow. He will surely be missed, not only by me, but I know members of this body as well as members of the public, because he stood for them, and that's what we're supposed to do is to stand for the people we represent. So, please accept my deepest condolences. He will be missed.

CHERYL CATALDO: Thank you to all of you. He respected every single one of you, no matter what side of the aisle you were on, and he talked about all of you with high regard. Right now I know he'd be extremely humble, honored, and saying what the heck are they doing. So, I thank all of you. I wish you all the best. Thank you so much for what you did for Sam; this was his life. I mean he slept, ate, and did everything for New Hampshire. This was him totally. And thank you.

PRESIDENT MORSE: I know there are several Senators that want to speak. We'll do it at the end of the session. Thank you, thank you, Cheryl.

CHERYL CATALDO: Thank you. Thank you to all of you, and I wish you all the best, and do well with New Hampshire.

SB 419, relative to votes by condominium unit owners.

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

Senator Bradley moved to Lay on the Table SB 419. Adopted.

SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits.

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

SENATOR INNIS: Thank you, Mister President. I move Inexpedient to Legislate on Senate Bill 554. This bill establishes an hourly minimum rate for workers to be paid, based in part on whether or not the employer provides health benefits to its employees through an employer sponsored health plan. Minimum wage increases, when there's a market drive for it. This bill is not a market driven force to raise the minimum wage, it is a mandated increase. This works against the very principles of free markets. Most places in New Hampshire do not pay the minimum wage of 7.25 per hour, in fact they're paying \$10 an hour and up and this bill is unnecessary and will result in New Hampshire jobs being lost and it will hurt business owners as well as the people that it's purported to help. Just as a quick example, I do own an inn in the state of New Hampshire and I do have employees, however I intend to participate in this particular bill. The Great Island Inn has one housekeeper. That housekeeper is paid \$15 an hour plus tips. On June 1st the rate will go to 17.50 per hour. That's the rate that you have to pay in the seacoast of New Hampshire to get and keep good people. The minimum wage of \$7.25 an hour is designed as a starting wage; it's a wage for low skilled people to get experience, it is a way for young people to enter into the workforce and start to build their resume and to learn along the way. It's very important that we recognize the incredible force of the free market, it is driving the minimum wage up effectively, well beyond some of the numbers that are proposed in this very bill. With that I ask that you please join me in voting Senate Bill 554 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current motion. As many of you know this is an issue I feel very passionately about and have worked on for a number of years and will continue, continue in this fight to try and shed some light on what the plight is the minimum wage workers in our state. You know it's interesting having listened this morning across the hall when the Governor said, you know, we don't want to rely on Washington, we don't want to be like Washington. Well I would suggest to you that that's essentially what we do when it comes to the minimum wage. Majority of states in our union set a minimum wage. New Hampshire was one of the first states in the union to set a minimum wage and yet in 2011 we ceded that control to the Federal Government, to Washington D.C. If we complain about dysfunction then we should take a step today and set our own state minimum wage. There's no question I think whether you're in Portsmouth or Rye or whether you're in Pittsburg or whether you're in Manchester, \$7.25 is not a livable wage or a sustainable wage. It's not a wage just for young people. There are working families who depend on an hourly wage, who work multiple jobs at a low hourly wage, who are, in fact, struggling, who, in fact, qualify for state assistance.

You know what this legislation does recognize though, is that not only do we need to set the wage and set it at a more meaningful level, more representative of what businesses are actually paying in this state, but that we also need to take into account that there are great employers who offer perhaps a lower hourly wage but couple that with a benefit, an employer sponsored health plan. And this legislation recognizes that in cases where someone was offering such a plan we would want them to get the benefit and recognize that should be coupled with what they would be paying for a wage.

It's interesting as well to note that in this past year, as of, actually as of January 1st of this year, eighteen states, eighteen have increased their minimum wage. Just look at what our neighboring states have done. Right now Massachusetts, \$11 an hour, Vermont 10.50 an hour, Connecticut, Rhode Island, \$10.10 an hour. That's their minimum. And we're a state that wants to attract workers, wants to be competitive, where's ours? We defer to the federal minimum wage, \$7.25. That's not attractive, that's not a good policy statement in the state of New Hampshire.

When I talk to businesses in my district both large and small, they say that the greatest challenge they face is attracting workers, and there is nobody in, doesn't matter what industry that can find people for some of these low waged jobs, if they're paying below \$10 an hour. So what is our fear in setting it? Now a few of you have said to me, you know you're right nobody really pays 7.25 we should increase it, but yet I can't get a dollar amount. Is there a dollar amount that some of you would be willing to increase it to? I'm more than willing to listen. If the schedule I've set is a little too aggressive, needs to be spaced out, I'm willing to work on that compromise. But what I'm not willing to stand for is the fact that New Hampshire, in all of New England and compared to most other states has the lowest wage. It's not right. The businesses that pay 7.25 an hour honestly to people who are trying to make ends meet, I think are looking for a government subsidy. Because you can't make ends meet and support yourself on that low a wage. This is a plight that I said I've been working on for a number of years and will continue to work on and as I said I remain more than willing to discuss the rate or the rate of acceleration of the rate, but what's unacceptable is to stay at the 7.25. With that, I thank you Mister President. I ask you to defeat this motion, and I would ask for a roll call. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would submit that employees don't come to a company based on what the state's minimum wage is, they come to a company based on what the company's willing to pay. I have never had an employee in my small business that asked what the state minimum wage was. They did ask what I was willing to pay and if it wasn't sufficient, they exercised the force of the free market and they went somewhere else, and I was forced to raise my wage. That's the way it's supposed to work in a free market economy. We don't introduce the artificial stimuli or lack of stimulus of government suppression of the right of the business to set its own wage in a free market. Thank you, Mister Chairman.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. One of the nice things about looking at the minimum wage right now is that we have some data from other cities and states that have actually done it. And if we

look to the west coast, to the Emerald City, we find a city that raised its minimum wage to \$15 an hour. And the city of Seattle commissioned a study to be conducted by the University of Washington and economists of that institution. And I'm sure they expected a particular result when they got the answers. I think the result they got was somewhat different. The researchers write: the costs to low-wage workers in Seattle outweighed the benefits by a ratio of three to one. The cost to low-wage workers outweighed the benefits three to one. Why? Many employers have cut payrolls, they're reducing hiring, they're reducing hours, they're eliminating positions because people are becoming too expensive. The study estimates, the average low-wage worker in the city of Seattle lost, lost \$125 due to the hike in the minimum wage. Now if you don't trust the west coast, a professor at MIT, David Otter has reviewed the study conducted by the University of Washington and finds it credible. So if you prefer an iPad when you order food, if you want to hurt the very people you say that you want to help, this bill should be passed. If, on the other hand you want to keep people working, you want to help those people who need help the most and if you truly want to help low-wage workers, then support ITL. Thank you, Mister President.

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

EDUCATION

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

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

Senate Education
February 6, 2018
2018-0484s
04/08

Amendment to SB 436

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Community College System of New Hampshire; Tuition Waived. Amend RSA 188-F:15 by inserting after paragraph II the following new paragraph:

III. The board of trustees shall have the authority to allow a tuition discount for less than full-time employees. The board of trustees may establish criteria with respect to length of service, hours worked, percent of discount, and eligible courses.

2018-0484s

AMENDED ANALYSIS

This bill authorizes the community college system board of trustees to establish a tuition discount for less than full-time employees.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 436 Ought to Pass with Amendment. The bill as amended would authorize the community college system board of trustees to establish a tuition

discount for less than full-time employees. Due to the way the current statute is written, it appeared as though the board of trustees of the system schools lack the authority to grant such a benefit. They can and do so now for full-time employees and then if they chose to do so for part-time employees, this would give them the authority to do that. The language of this bill seeks to clarify current statute and give authority to provide tuition discounts. Therefore the majority of the Education Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 436. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. (The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like, at this point, to make a declaration that I have a conflict of interest with this bill and I will not be participating in the discussion.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I was the one out of the 4-1 vote. In subsequent correspondence and communication with the university folks and the community college folks I have had my concern satisfied, and so therefore I will be voting in support of this bill. Thank you.

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

ELECTION LAW AND INTERNAL AFFAIRS

SB 362, requiring disclosure of federal income tax returns by presidential and vice-presidential candidates.

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

SENATOR BIRDSSELL: Thank you, Mister President. I move Senate Bill 362 Inexpedient to Legislate. This bill requires disclosure of federal income tax returns by presidential and vice-presidential candidates and posting of the returns on the secretary of state's website. The committee felt that this legislation will place requirements on filing for office above and beyond what is required in the federal constitution. Additionally, it may lay the foundation for future requirements of other documents such as, let's say, health records. Even California Governor Jerry Brown, who is not known for his conservative views, vetoed a similar bill, stating that it is dangerous when individual states try to regulate elections. And I'd like to, if I could, Mister President, read Governor Brown's veto message:

To members of the California State Senate, I'm returning Senate Bill 149 without my signature. This bill requires any candidate for president to disclose five years of his or her income tax returns before their name can be placed on California's primary election ballot. Although tax returns are by law confidential, many presidential candidates have voluntarily released them. This bill is a response to President Trump's refusal to release his returns during the last election. While I recognize the political attractiveness, even the merits of getting President Trump's tax return, I worry about the political perils of individual states seeking to regulate presidential elections in this manner. First, it may not be constitutional. Second, it sets a slippery slope precedent. Today we require tax returns but what next? Five years of health records, a certified birth certificate, high school report cards, and will these requirements vary depending on which political party is in power? The qualified candidate's ability to appear on the ballot is fun-

damental to our democratic system. For that reason I hesitate to start down a road that well might lead to an ever escalating set of different state requirements for presidential candidates.

And I might add, Mister President that presidential requirements are currently determined by the Constitution of the United States and any change to the requirements should be put through, I think, a constitutional amendment. But Arkansas did try to, Arkansas was one of the states that tried to change the requirements and term limits and U.S. term limits, *Inc. v. Thornton*, which was appealed to the Supreme Court and Justice John Paul Stevens cut right to the logical inconsistencies of states altering the qualifications for federal offices. He is quoted as saying:

As the framers recognize, electing representatives to the national legislature was a new right and rising from the Constitution itself. The tenth amendment also provides no basis for concluding that the states possess reserved power to add qualifications to those that are fixed in the Constitution. Instead, any state power to set the qualifications for membership in Congress must arrive not from the reserved powers of state sovereignty but rather the delegated powers of the national sovereignty. In the absence of any constitutional delegation, the states of power to add qualifications to those numerated in the Constitution such a power does not exist.

So with that Mister President, I ask for please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President. (The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in favor of Senate Bill 362, or in opposition of the ITL vote in committee. Tax returns provide voters with essential information about a candidate's potential conflicts of interest, his or her business arrangements, financial standing, charitable donations and more which is why since 1940 there has been one President who has not submitted tax returns. This is a non-partisan issue. The financial transparency that tax returns provide is an absolutely necessary for someone seeking the most powerful office in the world. They provide the full sense of a candidate's financial picture. The standard financial disclosure does not provide enough. Without disclosed tax returns, Americans are left in the dark and without vital information about a candidate's background and motives. Don't we want to know everything we can about the person who will lead our country and the world? I do. Tax returns provide information about a candidate's financial ties to foreign businesses and governments as well. Without tax returns it's impossible to understand the scope of those deals and how they might affect a candidate's decisions in office. Unlike members of Congress, our President is exempt from many conflict of interest laws. Without knowing what any conflicts of interest a candidate might have ahead of time how can we have an informed electorate? I pay my taxes and have every year. To support the nation's infrastructure, to support our children's education system, our national defense and other critical public investments. Shouldn't I know whether my President and Vice President pay their taxes and pay their fair shares?

I also want to know whether a candidate's tax plans would benefit her or him directly. For the past forty years every major party political nominee has made her or his tax returns public except for one as I said; our current President. Until now it was assumed that candidates would do the right

thing by our voters. Seventy-four percent of all likely American voters say that they wanted our current President to release his tax returns. Since January 20, 2017 several million people have signed a petition on the White House website calling on the President to immediately release his tax returns to no avail. Legislation to require presidential candidates to disclose their tax returns has already been introduced in more than half of the United States. This bill ensures greater transparency, rather than providing obstacles for valid access. And by the way, constitutional law scholars who have examined this have said that these laws are legitimate. We are so proud to be the first in the nation, let's set an example of greater transparency, a bipartisan goal, and vote down the ITL so that another motion can be made. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I will run the risk of quoting scripture to this august body. A house divided against itself cannot stand. I would submit that the premise behind this bill has nothing whatsoever to do with truly wondering whether or not the President's income and investments, okay, are of interest to the American people, but more particularly whether the disclosure of wealth might be of greater interest to a particular political party which chooses to seize on divisiveness and class warfare and focus on the politics of separation rather than uniting the people of this country behind the principals, okay, of opportunity. Rather than setting wealth as the enemy of the poor we should set it as an aspiration, rather than setting race as something it divides we should look at the differences between us as something that makes us greater. There is one particular party here that makes great benefit in dividing the people of the country by setting specious criteria to segregate candidates. I don't care what the President of the United States makes, I care what he does. Eminently successful. I care about for example, the fact that he has hired many women and many minorities, the fact that his businesses are exemplars of how businesses should conduct themselves. I am in admiration of a man that has been a billionaire not once but twice and has provided tens of thousands of jobs and benefits for all his employees; black, white, foreign, native born regardless of race, creed or color. And so for that reason I will be voting against this bill, because I think it seeks only to divide the people that right now is in critical need of uniting. Thank you, Mister President.

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

SENATOR SANBORN: Thank you so much for taking my question. Senator, like you I believe in full transparency, in fact I'm very thankful to this body to have passed the bill I had sponsored a year ago for better transparency at state elections as well. So in the effort of better transparency, would you support an effort that would be put forward to require that every one for every elected office including the State Senate and the House, and all local elections would include people's tax returns for three years as well as a full declaration of their assets and liabilities?

SENATOR HENNESSEY: Thank you for the question, and I have not considered that because I don't think it is the same thing at all. It's like saying if you do one little bit for the most important person arguably in the world that everybody else has to do the same thing. So I don't see that and I'd just like to also say that I'd also like to thank you for not stooping to insults about the party that I represent in order to make your point.

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

SB 363, prohibiting political expenditures by foreign nationals. Ought to Pass with Amendment, Vote 4-0. Senator Woodburn for the committee.

Election Law and Internal Affairs
February 6, 2018
2018-0480s
03/06

Amendment to SB 363

Amend the bill by replacing section 2 with the following:

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

SENATOR WOODBURN: Thank you Mister President. I move Senate Bill 363 Ought to Pass as Amended. This bill as amended will prohibit political expenditures by foreign nationals in the state of New Hampshire. Over the past few years there has been a lot of controversy surrounding the issues, especially around the area of the Russian influence on our last election. But this bill takes a proactive step in shoring up our laws to prevent any ambiguity. Federal law already prohibits foreign nationals from contributing to political campaigns or activities. New Hampshire will be reinforcing that law with SB 363 making it clear that the financial influencing of campaigns or elections by foreign nationals is not permitted in our great state. The majority of the committee asks that you please support this and recommend Ought to Pass as Amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. (The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and with great respect to my friend from Hanover, in this case she might be slightly offended by it and I apologize for that, but there were actions that were taken in the Election Law Committee to specifically try to point out, discredit, one of our Senators by a liberal activist group and as it related around this bill. And it saddened and disappointed me that a group like this would go out and find a foreign national to make a donation to one of our State Senators without their knowing about it or to come back and highlight it within the committee process, and I think frankly that minimizes and waters down the debate we should be having here. And I truly hope that those types of actions don't happen again because I think frankly it embarrasses all of us. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President, for allowing me to speak a second time. I did want to just respond as a fellow member of the Election Law Committee, that the Senator from Bedford brought up an issue that a moment upon hearing that joined in outrage about that

action. But before we start casting actions of individuals against entire parties I think we should together recognize that this is an effort to try to, we came together unanimously to say foreign nationals cannot and should not participate. It's a long time coming, I fought hard on this issue, gotten lots of bruises as a result, but we came together and thank you very much for your support and efforts on this.

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

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

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

SENATOR GIUDA: If a foreign national owns property in our state, is that addressed under this statute, or under this proposed law?

SENATOR BIRDSSELL: Actually I don't even think it's even relative because actually this is, foreign nationals is actually in federal law, foreign nationals cannot donate to state or federal candidates and basically we're just codifying what the federal law says.

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

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

The following Senators voted No: (None)

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

SB 364, establishing a commission to study the establishment of a searchable database to verify that each vote was properly recorded.

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

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 364 Inexpedient to Legislate. This bill would establish a commission to study the instituting of a searchable database to verify that each vote was properly recorded in an election. The state right now in certifying the votes, there's four different methods of counting, making sure that each vote is accounted for plus our system of recounts. The committee felt that the process in place now is sufficient to verify that each vote and this legislation is unnecessary at this time. Please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

SB 439, repealing the authority to share voter information or data with other states.

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

SENATOR SANBORN: Thank you Mister President. Mister President, I move Senate Bill 439 Inexpedient to Legislate. This bill would repeal the authority to share limited voter information, or data, with other states by removing New Hampshire from the Crosscheck Voter Database which is designed to detect possible voter fraud. The committee felt that the benefits of being involved in Crosscheck outweighed the arguments against it. Especially when considering that the alternative program, which is a single program called ERIC, doesn't only require a lot more

voter data with more frequency and more cost to the taxpayers of New Hampshire. We also know that ERIC is an organization that is funded by one side of a political party, which is actually using the information for voter advocacy. If we are actually trying to ensure that we have voters who are not voting in several different states, our ability to actually share information in a concerted effort between all secretary of states is important. Now Mister President, you may hear others who stand up and say, well the Crosscheck program is not accurate. It has a 99 percent failure rate, Mister President. But Mister President, that would be good news. Because if 99 percent of the people are actually not voting in multiple states, I think we would all consider that to be good news. So therefore, some suggest that because it's 99 percent false positive that that would be bad when, in fact, we would want it to be the reciprocal, where there is no chance of voter fraud, there is no duplication of voter records. So I ask that you please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

SENATOR LASKY: Senator, I'd like to know with all the evidence that was presented to you, etcetera, what gives you confidence, besides the fact of what you just mentioned, which was erroneous information, that gives you confidence in Crosscheck, and that we should continue with that program?

SENATOR SANBORN: Senator, thank you so much for the question. What gives me confidence is the secretary of state's office themselves, who I believe are good arbiters of our election system, who truly represent, in a non-partisan manner, trying to make the most effective and fair elections we can so when the people who are in charge of the program, who I personally trust specifically, come in and suggest that the program we have today works, I would listen to their recommendation.

SENATOR LASKY: Thank you.

SENATOR SANBORN: Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President, and thank you, Senator Feltes. I rise in opposition to the committee report of Inexpedient to Legislate on Senate Bill 439. We've all taken great pride over the years and rightly so, in our state's strong tradition of clean and fair elections. And our reputation has been a model for the way elections should be run. And as the Senator said, we have great faith in our secretary of state's office and the work that he and the office has done over the years. This is not about that. It's that tradition that we've been working to make sure we continue and that we have clean voter rolls and elections that are without any implications of impropriety. Much has been said of late, of voter fraud, and while we may differ on the extent of it, I believe we agree on this. We all want our elections to be as secure and free of even the perception of fraud as possible, which is why we must not continue our relationship with the Crosscheck program.

New Hampshire joined Crosscheck in 2016 with the best of intentions, to ensure the integrity of our state's elections. The program works by comparing data across states to identify and eliminate duplicate voter registrations. But since its inception, and particularly of late, Crosscheck has shown to be a system that serves only to put voter information at risk, while disqualifying eligible voters. It's been proven to be severely

inaccurate, using incomplete data points, has also shown itself to be a major threat to Granite Staters personal information. The program's data is hosted on an unencrypted and insecure server with over simplified and unchanged passwords that they often shared over email. Security experts have said the program could be breached by a novice hacker. In fact just three weeks ago, private information from Kansas was made public in Florida. Inadvertently, but nevertheless it was including names, birthdates and partial social security numbers. In addition to security breaches, Crosscheck fails to keep voter rolls accurate. According to a study published last year, Crosscheck's program would eliminate about two-hundred registrations, used to cast legitimate votes, for every one registration that might have a double vote. That's where the 99 percent comes from; an error rate. That's a success rate of 1 percent or wrong 99 percent of the time. Not a particularly great record. Other states who once used Crosscheck have picked up on the disaster of using it. Kentucky became the eighth state recently to leave the program citing security concerns and unreliable results. Even its home state, where Senator Kobach is from, Kansas, no longer will use Crosscheck.

As elected officials and concerned Granite Staters, we are all very much concerned and dedicated to the goal of ensuring accurate voter rolls, and secure elections. As a matter of fact, the chairwoman of the Election Law Committee has said many times in this chamber that very thing and how important that is. Remaining in the Crosscheck program is not the way to achieve our goals. As so many of our national leaders, government leaders including the secretary of state has said lately our 2018 elections are in grave jeopardy of being breached once again by the Russians. Do we want New Hampshire to be a state that gives our elections away for free to Russian hackers? I think not. I implore you; do not, the evidence is there, the nails are in the coffin, that Crosscheck is no longer a reputable organization or system that we should be using to ensure that our data is clean and free of fraud.

So don't continue to just talk the talk regarding the secure elections. It's beyond time to look at what is really our goal. Today this body can come together, Democrats and Republicans, and truly do something positive to eliminate any election fraud. Start by overturning the ITL, and I will offer an amendment that allows us to enter the ERIC program. That program was alluded to by my colleague and it is an independent non-profit organization owned and fully funded by the participating states, twenty-three of whom belong now. And many of them or most of them are not given to be Democratic states, such as West Virginia, Ohio, Pennsylvania and I could go on and list all twenty-three. So it is not a one-sided organization. But first we need to overturn the ITL and I implore you to do that today. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President in addition to what my colleague from Nashua just said I wanted to just add a couple things. We've seen that a number of states have gotten out of this program because they've determined it to be an unsecure program. And some of those states don't have the kind of bipartisan value of privacy that New Hampshire has. We pride ourselves on the privacy of our information, and using what has been determined to be by many states an unsecure system to share information is counter to, in my view the New Hampshire way. What we've seen also Mister President, is in response to President Trump's now disbanded commis-

sion, there's some problems in some of the information that we collect, including, there was confidential information on victims of domestic violence that was about to be sent to that commission down in Washington, D.C. It's the same kind of information that's collected and filtered through this Crosscheck system. I don't think, Mister President that the protections are in place in our existing system to ensure people's privacy and confidentiality including victims of domestic violence. I don't think that's in place, I think if folks believe that we need to do another system like Crosscheck, then I think the system is the system that the Senator from Nashua is talking about, ERIC, if people want to do that, that's the right system. This has been proven to be unsecure Mister President, I think it's important that we recognize some of the problems and pivot consistent with our values. Thank you, Mister President.

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

SENATOR SOUCY: Senator, I've heard mention of a concern that this other program, ERIC, has a cost associated with it. Would you please address, I don't know if you've had discussions with your city clerk, but would you please address the concern that's been raised at the local level and I think here at the state that because Crosscheck generates so many false positives, there is an inordinate amount of work being done to double check those. So in fact a system that generates fewer, because it has more data points might actually be more cost effective for our state?

SENATOR LASKY: Thank you for the question, Senator. Yes, I was in contact with ERIC, and that organization has told us that as I mentioned the states that participate in the organization pay a fee and most fees according to the type of work you want them to do, and the number of registrations or voter registrations. Our cost would be about, they estimate to be about \$19,000. Not only do we have that in HAVA funds, which could be used for this, but in answer to your question, I have spoken to the city clerk in Nashua. Nashua, this last time was given 1,300 duplicate voter registrations. Many of which she knew personally, from being clerk in the city, that were active voters. So before this was even given to the secretary of state's office, there were corrections that just by living in the city, the clerk knew. So the cost of resources, the cost of time is as you said could become more than what is needed to pay for ERIC. The other pro with ERIC is that it brings in voter registrations, if we were to ask them to do that, they would help in getting us new voter, people to vote. Cost, you know sometimes you get what you pay for. You know we have the example of two banks, one's free, but it might just share your personal information. Would you go with that bank or would you want to put your money and maybe a little extra money into that bank where your information would be secure, and you'd be able to sleep at night knowing that? So that's my answer to that question.

SENATOR SOUCY: Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. I have to disagree greatly with my District 13 Senator. Crosscheck, I spoke with the secretary of state, and dealing between Crosscheck and ERIC. Crosscheck requires first, last name, date of birth, voter ID, mailing address, physical address, last four numbers of the social security number. So there are numerous data points that they do use. The secretary of state with regards

to New Hampshire information, the secretary of state double encrypts the info that goes over and requires special passwords and Crosscheck needs to call the secretary of state for those passwords, a one-time issue happened, one incident that was brought up where the password was sent in an email. Happened once and the password was not accurate. States like Massachusetts go into Crosscheck, come out of Crosscheck typically in non-election years. New Hampshire right now is not in it because we are not in an election year, we will get back into it come, after the general. Massachusetts is considering going to ERIC because ERIC does much more of the work that is required and granted the secretary of state's office does a lot of the work that ERIC would do. But ERIC is not cheap. ERIC is short for Electronic Registration Information Center. It requires a complete set of our data, of our voter records and licensing including some information on the DMV, and every sixty days that voter list needs to be submitted to be updated. It costs a one-time membership fee of \$25,000 and the annual dues can go anywhere from 19 to \$60,000. So this and this organization is obviously much better for the motor voter states which is one of the reasons why Massachusetts is considering going to ERIC. Also if we're so worried about the data information that we're afraid is going to be released, let's look at Perkin's Coie, the law firm that is participating in the lawsuit on SB 3. They filed suit and they are requesting full access to our database. Now what can be worse than having a D.C. law firm having full access to our database? So with that Mister President, I ask to please support the majority committee of ITL on SB 439. Thank you.

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

SENATOR FULLER CLARK: Senator Lasky, could you tell me what is the status of Kansas with regard to having engaged Crosscheck or not having engaged Crosscheck?

SENATOR LASKY: They are trying to legislate their own individual act to deal with their elections, but they are now no longer, as I understand it, in the Crosscheck system.

SENATOR FULLER CLARK: And is it not true that that is actually where Crosscheck is based is in the state of Kansas?

SENATOR LASKY: Yes, it was originally initiated there.

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

SENATOR LASKY: Thank you. Senator, why is it of late, or in the past several months, do you believe that eight states have taken their information away from Crosscheck because of what they believe is unreliability?

SENATOR BIRDELL: I can't answer for those states, I know what New Hampshire is doing and what they're doing is they're encrypting. They're double encrypting the information, and right now New Hampshire has no interest in getting out of it as far as the secretary of state's office is concerned.

SENATOR LASKY: Thank you.

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

SENATOR GRAY: Senator Lasky, it is my understanding that the data, meaning the social security numbers are filed somewhere, and to some of the data, I believe, that ERIC requires was not added to the registration form in New Hampshire until just a few years ago, and that there has been no effort to go back and fill in that data. How is ERIC, or any

other program, since there are prohibitions between sharing DMV records with the election records, how is ERIC, or any other program, going to cut down on the number of false hits when we don't even have that data in our database?

SENATOR LASKY: Well, I could answer that a lot of ways because I've introduced a lot of bills for utilization of that information to protect our voter registration, which have all been turned down in the name of potential voter fraud. So, but beyond that, I imagine that they will work with the information that they have on hand. The most damning thing against Crosscheck I believe is the fact that they use an unencrypted server. They have been shown to be unreliable. It has been proven here by what we have gotten back and why the secretary of state's office is so adamant about continuing with this particular program, aside from cost, when it has been shown and as I stated from Nashua alone, the errors are more than we should be accepting from an organization or system that is supposed to take care of our voter records.

SENATOR GRAY: There's many points in your response to me that I would like to address, but I'll limit myself to the unprotected server. Right now, the only data that I've seen, and that's the data that was provided at the committee meeting, was the data from a newspaper article that talked about that server being unprotected. I've heard from others.

PRESIDENT MORSE: Senator, is there a question?

SENATOR GRAY: I'm trying to get there, Senator.

SENATOR LASKY: I have an answer.

SENATOR GRAY: But others say that the secretary of state in New Hampshire has investigated those claims and found they are unfounded. Would you believe that newspaper article is a better source than the secretary of state? That was the question.

SENATOR LASKY: That's rather a Sophie's Choice question. But besides that Senator, that if I sent the committee a lot of information that I've received from independent organizations and reputable organizations who have looked into Crosscheck. And it wasn't just from a newspaper article that may have ultimately ended up there, but I believe that the information that I've looked at and I did send to the committee to look at is more than sufficient to at least give us pause to at this point to get out of that Crosscheck system and if you want to wait before going into another one, so be it. I'm not going to take any more questions, thank you.

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

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

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.

SB 440-FN, relative to prohibited political contributions.

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

SENATOR GRAY: Thank you Mister President. I move Senate Bill 440-FN be referred to Interim Study. This bill would establish a prohibition on receiving contributions in violation of the law relative to prohibited political contributions. The intent is to close a loop hole in the campaign

finance law that allows candidates to illegally accept and spend contributions in a primary campaign beyond the limits already established in state law without penalty. The committee felt that the bill needed more consideration in regards to the penalties given for violation of the law and possibly added language to define the violation details. Please support the committee recommendation in the motion to Refer to Interim Study. Thank you Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. My colleague and Chair is...I'm sorry. At any rate, I rise in opposition to the committee report. The Senator from District 6 was correct and that is what the bill was intended to do. This was in response to someone violating the statute as it is now in I believe it was 2016. It was sent to the Ballot Law Commission who found the person to be in error of spending campaign funds that were not allowable to be spent. The Ballot Law Commission said and basically remanded the case back to the legislature to fix because it said while the legislature speaks to the process there is no penalization, or penalty for breaking the law. This is in response to, this bill is in response to what the Ballot Law Commission asked the legislature to do. I don't believe it needs any more study, if that is in reality what might be done. What it does is just gives teeth to the fact of what is already in statute, what is already against the law and I believe it's something that we ought to pass now. So I am in opposition to the Interim Study motion and I would like you to overturn that so I can offer an Ought to Pass motion. Thank you.

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

ENERGY AND NATURAL RESOURCES

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.

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

Energy and Natural Resources

January 31, 2018

2018-0393s

08/10

Amendment to SB 450-FN-A

Amend RSA 149-Q:2 as inserted by section 1 of the bill by replacing it with the following:

149-Q:2 Membership and Compensation. The members of the commission shall be as follows:

I. One member of an affected nuclear facility, appointed by the governor.

II. Two members of the Business and Industry Association, appointed by the association.

III. One member representing both the New Hampshire Rivers Council and New Hampshire Lakes Association, appointed by those organizations.

IV. Three geographically dispersed members representing affected water and sewer facilities appointed by the New Hampshire Municipal Association.

V. One member of the Granite State Hydropower Association, appointed by that association.

VI. One member of the New Hampshire Association of Realtors, appointed by that association.

VII. One member of the Associated General Contractors of New Hampshire, appointed by that association.

VIII. One member of the New Hampshire Water Pollution Control Association, appointed by that association.

IX. One member representing affected public utilities, appointed by the governor.

X. One member representing an affected regional planning commission, appointed by the Association of New Hampshire Regional Planning Commissions.

XI. The commissioner of the department of transportation, or designee.

XII. One member of an environmental group, appointed by the governor.

Amend RSA 149-Q:4 as inserted by section 1 of the bill by replacing it with the following:

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

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$350,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of the department of environmental services for the purposes of hiring a consultant to assist the department and the NPDES advisory commission in proposing the report required by RSA 149-Q:5. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 450 Ought to Pass with Amendment. This bill establishes an advisory commission for the Department of Environmental Services to study the delegation of authority for the National Pollutant Discharge Elimination System that currently resides with the Environmental Protection Agency be delegated to the state of New Hampshire. This bill is the result of a study commission that was created by our friend from Bedford's bill, Senate Bill 121 last session. That study commission examined the potential of delegation of authority to the Department of Environmental Services for the National Pollutant Discharge Elimination System Program. The commission realized the process to obtain delegated authority is far more complex than any of us originally believed. There are strong merits for New Hampshire to assume responsibility and delegation of this program. State assumption of the program is more cost effective and hopefully less bureaucratic than the Environmental Protection Agency, but in particular, environmental regulators in Concord better know our municipalities and our bodies of water better than the EPA. However, delegation of this authority will come at a significant cost.

Other states that have delegated authority employ a relatively and in some cases rather high fee structure on the regulated entities or use general fund dollars. This is why the Energy and Natural Resources Committee

recommended a commission that will look at the delegation of authority with DES to make recommendations whether the legislature should seek that authorization in the future. There are a number of laws that would have to be updated, that's one of the reasons why this legislation recommends the DES have an appropriation for a consultant to assist in that program. This is a long term process. It's something that has merit for the state of New Hampshire but it's also something that does cost money. This is a reasonable way to proceed and I would commend the body to adopt to adopt the report on the Energy and Natural Resources Committee. Thank you.

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

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

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 533-FN, relative to the composition and compensation of the personnel appeals board.

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

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 533-FN, Ought to Pass. This legislation changes the composition of the Personnel Appeals Board, increases its membership and compensation, and adjusts its quorum. The Board's governing statutes have not been updated since 1988. This legislation will assist in making sure the New Hampshire Personnel Appeal Board can successfully complete its duties. During the public hearing on this legislation a copy of the Board's Fiscal Year 2017 Annual Report was distributed to the committee members. Within the annual report were the changes that were requested by the Board, and are reflected in this legislation. The ED & A Committee voted 4 to 0, 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 the Committee on Finance (Rule 4-5).

SB 535-FN, relative to licensure for the practice of professional art therapy. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

February 7, 2018

2018-0522s

10/01

Amendment to SB 535-FN

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

AN ACT relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

Amend the introductory paragraph of RSA 326-L:6 as inserted by section 1 of the bill by replacing it with the following:

326-L:6 Rulemaking. The executive director, with the advice of the advisory council on alternative mental health therapies under RSA 330-D, shall adopt rules for the following:

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Chapter; Advisory Council on Alternative Mental Health Therapies. Amend RSA by inserting after chapter 330-C the following new chapter:

CHAPTER 330-D
ADVISORY COUNCIL ON ALTERNATIVE
MENTAL HEALTH THERAPIES

330-D:1 Advisory Council on Alternative Mental Health Therapies. The executive director shall establish the advisory council on alternative mental health therapies. The council shall consist of 3 persons who are licensees or certificate holders in the state of New Hampshire in an alternative mental health therapy. Each member shall be appointed to a term of 3 years, provided that initial terms may be staggered. No member shall serve more than 2 consecutive full terms. Each member of the advisory council shall receive as compensation the sum of \$45 for each day actually devoted to the work of the advisory council and shall be reimbursed for necessary traveling expenses incurred in the discharge of such duty. The advisory council shall:

I. Review the educational and experience requirements of applicants for licensure or certification of an alternative mental health therapy.

II. Review the continuing education requirements for renewing licensure or certification of an alternative mental health therapy.

III. Advise the executive director regarding the implementation of requirements for licensure or certification of an alternative mental health therapy and the adoption of necessary rules.

4 New Paragraph; Historical Fund; Sale of Commemorative Bottles; Transfer of Revenues. Amend RSA 177:8 by inserting after paragraph II the following new paragraph:

III. Notwithstanding provisions of paragraph II, revenue from commemorative bottles sold under this section between July 1, 2018 and December 31, 2019 shall be credited to the New Hampshire state house bicentennial education and commemoration fund in RSA 17-R:3.

2018-0522s

AMENDED ANALYSIS

This bill regulates persons engaged in the practice of professional art therapy and establishes an advisory council on alternative mental health therapies. The bill also credits revenue from the sales of commemorative liquor bottles until December 31, 2019 to the New Hampshire state house bicentennial education and commemoration fund.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 535 Ought to Pass with Amendment. The legislation, as amended, will establish an Advisory Council on Alternative Mental Health Therapies, and will allow certain revenues from the sale of commemorative liquor bottles of historic significance to be credited to the New Hampshire State House Bicentennial Education and Commemoration Fund. The executive director of the Advisory Council on Alternative Mental Health Therapies shall establish the council, consisting of three people who are licensees or certificate holders in the state of New Hampshire in alternative mental health therapy. It will be tasked to review educational and experience requirements of applicants for licensure or certification; review continuing education requirements for renewing licensure or

certification; and, advise the executive director with regard to implementation requirements for licensure or certification; and, adoption of necessary rules. The ED & A Committee voted 5 to 0, Ought to Pass with Amendment and asks for your support in its recommendation. 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 Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise particularly to thank the committee and the Senator from District 17 for their good work on this bill. We had a good hearing; heard from the art therapists about a credentialed national degree and they need to find a way to recognize that and I think the committee wisely saw that this is an issue that might affect other credentialed alternative therapies and I think took very wise steps on it. I also appreciate that this bill is the vehicle for meaning that we can raise a glass to celebrate the bicentennial of the State House and the funding from the commemorative liquor bottles that we produced on that theme over the next year and a half will be dedicated to that fund and go to the bicentennial commission for those purposes. Thank you, colleagues. Thank you, Mister President.

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

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

SB 536-FN, relative to eligibility for death benefits for court security officers.

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

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 536 Ought to Pass. This legislation includes eligibility for death benefits for court security officers and bailiffs for those killed in the line of duty. These officers do everything that police officers do; three-quarters of these officers are former law enforcement. They are trained to use force; they are armed and are trained in the use of firearms, in addition to attending a two week training course on court security and safety, not only for the public, but for the safety of our judges and staffs. This legislation will classify these officers in RSA as law enforcement officers with the power of arrest. The ED & A Committee voted favorably Ought to Pass and asks for your support in this recommendation. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I sponsored the original bill for the death benefit a number of years ago. I think it's been used five times since that bill has been passed. Since that time the addition of these people to that bill is an essential because of what's now taking place in our courtrooms. Violent behavior has been persistent in the courtrooms, particularly as it relates to domestic violence and other very, very serious crimes. The perpetrators of the crimes are very dangerous and sometimes cause some real consternation within the courtroom itself. These people that are added to the death benefit risk their lives protecting those in the court. It is what it is. They protect their

lives, and as a result of that they run the risk of getting killed. So it's an essential aspect that we, in fairness, we add this to the death benefit provision. Hopefully it doesn't happen, hopefully. But indeed if it does, think of the families that are left that have to be taken care of. You know, it's a crime in a way that we have to do this kind of legislation in light of what's happening in the society. Our society is changing dramatically and as a result of this we have to protect out public servants. Thank you, Mister President.

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

SB 578-FN, relative to unclassified positions within the department of health and human services.

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

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 578 Ought to Pass. This legislation clarifies terms of appointment and salary for several unclassified positions within the Department of Health and Human Services. It will also clarify the approval process of the Governor and Council for these unclassified positions. The ED & A Committee voted 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 the Committee on Finance (Rule 4-5).

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bills are special ordered to the Call of the Chair. Adopted.

FINANCE

CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention.

SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies.

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

HEALTH AND HUMAN SERVICES

SB 381, deleting immunization/vaccination requirements for Hepatitis B.

SB 545-FN, increasing the age for sales and possession of tobacco products.

FINANCE

SB 310-FN, establishing a pilot program for community-based diversion services.

Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance

February 7, 2018

2018-0504s

05/03

Amendment to SB 310-FN

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

AN ACT establishing a committee to study the feasibility of establishing community-based services pilot programs.

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

1 Committee Established. There is established a committee to study the feasibility of establishing community-based services pilot programs.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall determine if community-based services pilot programs would be effective in preventing children from entering the foster care system by addressing potential issues before they rise to a crisis level that result in children being removed from the home. The committee may solicit information and testimony from any individual or entity the committee deems relevant to its study.

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

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

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

2018-0504s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of establishing community-based services pilot programs.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 310-FN Ought to Pass With Amendment. This bill establishes a pilot program through which the Department of Health and Human Services shall contract with local organizations to provide community-based diversion services to prevent the need for foster care and other out-of-home placements. The amendment establishes a study committee to determine if community-based services pilot programs would be effective in preventing children from entering the foster care system by addressing potential issues before they rise to a crisis level that would result in children being removed from the home. The committee recommends passage of Senate Bill 310-FN as amended, and asks for your support. Thank you, Mister President.

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

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

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.

Ought to Pass with Amendment, Vote 5-1. Senator Reagan for the committee.

Senate Finance
February 7, 2018
2018-0505s
04/05

Amendment to SB 390-FN

Amend the bill by replacing section 6 with the following:

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

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 390 Ought to Pass with Amendment. This bill would establish the office of Solicitor General in the Department of Justice. Since the office would be staffed by positions that already exist in the department, there would be no fiscal impact. SB 390 also creates a full-time attorney position within the Department responsible for establishing and implementing a training program for regional, county and state prosecutors. The amendment merely changes the effective date to coincide with the next fiscal budget. The committee recommends passage of Senate Bill 390 as amended, and asks for your support. Thank you, Mister President.

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

Sen. Bradley, Dist 3
February 12, 2018
2018-0564s
04/03

Floor Amendment to SB 390-FN

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 3 of this act shall take effect July 1, 2019.

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

SENATOR BRADLEY: Thank you, Mister President. This was a request of the Attorney General, Gordon MacDonald, that we make section 3 the act, effective on July 1 of 2019. That's the only change in the bill.

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

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to Senate Bill 390. A) It seems to me we have ten counties, they all have a county attorney, they all have a full staff and if they're not trained, shame on us. We need a solicitor general like Carter needs more little liver pills. The solicitor general of the United States of America represents the country in court. He's not there to train people on how to act. We have people within the office that can do this. Again, we have full staffs at the county level. Full staffs at the county level. The county attorneys are elected by the public, they have a full staff to do the job that the county needs done. I cannot see the reason to add another person, another staff person to the attorney general's office to do training. We can get a lot of training, and that should have been done for a long time. But indeed at a time when we're trying to do things in the opioid situation, the foster grandparents needs to be funded, home care health services need to be funded, it seems to me we ought to look in the direction of helping people. There is, in my opinion, no need to train county attorneys. There's plenty of

methodologies to train those attorneys. So I would hope that my colleagues go along with sending this back where it belongs, in the circular file. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister Chair. Senator, where part of the reason is that there's a lot of appellate work done and that this would free up the time in the office so one person could focus on appellate work, training, I've talked to a couple of the county attorneys and they're welcome to have a uniform process of training so we'd have one training system for all the attorneys in every county in New Hampshire. And that's why the bill is where it is. Thank you.

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

SB 429-FN, establishing a consumer services program within the insurance department.

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

SENATOR FELTES: Thank you very much, Mister President. I move Senate Bill 429-FN Ought to Pass. This bill requires the Insurance Commissioner to maintain a program to investigate complaints and respond to inquiries received, and, when warranted, refer matters for enforcement, further investigation, or examination against insurers, producers, or any other entity subject to the regulatory authority of the insurance commissioner. As Senate Bill 429-FN does not impose additional duties on the Insurance Department beyond what is already assumed, the committee recommends passage of Senate Bill 429-FN, and asks for your support. Thank you, Mister President.

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

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

Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 470-FN Ought to Pass. This bill establishes the unclassified position of Communications Director within the Insurance Department. It abolishes a classified position, and transfers the remaining appropriations for the abolished classified position to fund the new unclassified position. The incumbent in the abolished position shall be offered the new position. SB 470-FN also renames the position of Insurance Fraud Attorney to Insurance Fraud Director with no change in salary grade. That's a good one. That's called a zero sum game. The committee recommends passage of Senate Bill 470-FN, and asks for your support. Thank you, Mister President.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 470-FN.

SB 531-FN, relative to the office of professional licensure and certification. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 531 Ought to Pass. This bill authorizes the Office of Professional Licensure and Certification, OPLC, to establish fees in accordance with RSA 541-A for all boards, commissions and councils administered by the OPLC, and to collect such fees for deposit into a separate, non-lapsing fund continually appropriated to the office for the purpose of paying all costs and salaries

associated with the OPLC. Current general fund unrestricted revenue would become restricted revenue and deposited into the newly created OPLC Fund to pay OPLC expenditures beginning in fiscal year 2019. The committee recommends passage of Senate Bill 531-FN, and asks for your support. Thank you, Mister President.

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

SB 534-FN, relative to the classification of certain state employee positions. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 534 Ought to Pass. This bill revises the salaries and titles of certain unclassified employees in the Department of Health and Human Services, and adjusts salaries for certain unclassified employees in the Department of Health and Human Services, Administrative Services and Justice, for recruitment or retention purposes under RSA 94:3-b. SB 534 also establishes the position of General Counsel in the Banking Department. As most of this bill is the result of work done by the Joint Committee on Employee Classification with information supplied to it by the Korn Ferry Hay Group, the committee recommends passage of Senate Bill 534, and asks for your support. Thank you, Mister President.

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

SB 579-FN, relative to penalties for welfare fraud.

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

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 579-FN Ought To Pass. This bill increases the statutory damage amounts for welfare fraud to align the statute with other felony and misdemeanor crimes involving fraud. Senate Bill 579-FN would align welfare fraud penalties with those for other theft-like convictions and other offenses established back in 2010. As the bill raises the threshold for classification as a felony offense, it may result in cases being brought as misdemeanors that, under the current statutory scheme, would be brought as felonies. This would have the effect of decreasing state costs. The changes will also result in more efficient prosecution of welfare fraud cases. The committee recommends Senate Bill 579-FN Ought To Pass and asks for your support. Thank you, Mister President.

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

SB 580, creating class lines within the department of transportation. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance

February 7, 2018

2018-0506s

06/08

Amendment to SB 580

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

AN ACT relative to the creation of new class lines within the department of transportation and the department of health and human services, and amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital.

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

1 Transfers Authorized. Amend RSA 9:16-a, I and II to read as follows:

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions otherwise provided by law or to or from any account[, ~~except accounts in the department of health and human services and the department of transportation;~~] which is not composed of the same funding source mix.

II. Notwithstanding any other provision of law except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and the governor and council, the commissioner of the department of administrative services, ***the commissioner of the department of health and human services, and the commissioner of the department of transportation*** [is] ***are*** hereby authorized to transfer funds within and among all accounting units and/or class codes within the department, and is further authorized to create new class codes within the department into which funds may be transferred or placed, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided that if a transfer does not include new class codes, only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court and the governor and council.

2 New Paragraph; Appropriations; Department of Transportation; Transfers Authorized. Amend RSA 9:16-a by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any other provision of law, the commissioner of the department of transportation is hereby authorized to transfer funds from any funding source mix within and among all accounting units and establish new accounting units and/or expenditures classes within the department, provided that if a transfer does not include new accounting units or expenditure classes, only transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, RSA 9:17-b, or RSA 9:17-c or in violation of any restrictions otherwise provided by law.

II-b. Notwithstanding any other provision of law, the commissioner of the department of health and human services is hereby authorized to transfer funds from any funding source mix within and among all accounting units and establish new accounting units and/or expenditures classes within the department, provided that if a transfer does not include new accounting units or expenditure classes, only transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

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

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

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

D. APS Repairs/Renovations-Roof, Windows and

Curtain Wall *and*

3,675,000

Door Replacements or Other Related Upgrades

5 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2018.

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

2018-0506s

AMENDED ANALYSIS

This bill:

I. Creates class lines within the department of transportation.

II. Creates class lines within the department of health and human services.

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

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 580 Ought to Pass with Amendment. This bill originally created class lines within the Department of Transportation. The amendment also creates class lines within the Department of Health and Human Services, and amends the Capital Budget to allow for door replacements at the New Hampshire Hospital. Department of Health and Human Services previously had this transfer authority. The language to continue the authority was inadvertently omitted during last year's committee of conference process in the formulation of the budget. The department also wants to use unexpended funds from a prior capital project at New Hampshire Hospital for door replacements and other upgrades at the hospital in anticipation of receiving its joint commission on accreditation this August and September. The committee recommends passage of Senate Bill 580 as amended, and asks for your support. Thank you, Mister President.

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

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

HEALTH AND HUMAN SERVICES

SB 473, relative to employment contract restrictions upon health care providers.

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

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 473 Ought to Pass. This bill would prohibit non-compete clauses from contracts for certain health care providers. In 2016 the legislature passed a bill, SB 417, which created a prohibition of non-compete clauses in contracts for physicians. Senate Bill 473 would increase that prohibition to include all other healthcare providers under RSA 310-A. Non-compete clauses often have geographic restrictions that prohibit someone from taking another job inside a certain radius. This could push providers away from their patients and sometimes force them to leave the state. In a time where our state is currently suffering from a lack of health care workers and we need to do everything in our power to keep these

workers in our state treating the patients that need their care. Please support the committee's recommendation of Ought to Pass. Thank you Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So I guess I may be a little bit confused by the bill and maybe as I stumble my objection through, there might be clarification. My concern about non-compete is that we seem to swing in two different directions here. One is if there are non-compete, if there are investments and the rationale for a non-compete clause, I assume from my experience is that if there are investments necessary in order to set up that person in the practice by whoever has done the hiring, that there ought to be a means and a period of time in which that investment can be amortized. If that's equipment and that has a period of amortization, it might be five years and the IRS schedule. In the same sense, this might go too far in prohibiting that there not be non-compete clauses and I think in both instances it's the responsibility of both parties to negotiate the right medium. And so leaving them unchecked, leaving them totally excluded, I think are two extremes that don't represent the complexity of the issue. And so it's for that purpose that I rise in objection to this, and again there may be something in here that I'm not understanding.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, I rise in support of Senate Bill 473 and would agree with Senator Avard that we need to be as flexible as possible in keeping health care workers in the state of New Hampshire. And one of the problems that we've seen is that while people go to work for major hospitals, they have very little leverage over the kinds of tasks that they're asked to do, the kind of pay that they're receiving. In many instances I've heard that, you know once people go to work for the hospital under this contract, that their pay is cut, that the hours that they're demanded by the hospital go up, and they leave because they feel like they're not being treated fairly and appropriately and then because of the non-compete clause they have to leave the area. The relationships that they've built up with people that they look after are broken, and I think that given how important it is that we have a varied and diverse source of medical trainees and specialists, that we should not tie them under a compete clause and I understand the issue about hospitals making these investments, but on the other hand, you know they are making those investments not just for the person that they're hiring, but for the sake of their patients. And I believe that if they were more supportive of the people they're hiring, those people would not be leaving. And so I think it's important to eliminate the non-compete clause. We did it for physicians, we haven't seen any really significant negative impact from that, and I think we should extend it to everyone who's working in the health care field because of the challenges that we're facing. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Very quick, I'd just like to thank the HHS Committee for considering the bill. As you know I was the prime sponsor of the bill last time, of what we thought we were eliminating mandatory non-competes on all medical providers and what turned out to be just MD's and the fact that we've come back in to consider this and found it to be favorable, I'm very appreciative and the health care industry is as well. So thank you for your work. I appreciate it.

PRESIDENT MORSE: I'll declare a conflict, in three months from now, but the reality is I probably do have one, but I'm still going to vote.

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

SB 483, relative to procedures for dispensing controlled drugs. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Health and Human Services

February 1, 2018

2018-0425s

10/06

Amendment to SB 483

Amend RSA 318:47-1 as inserted by section 1 of the bill by replacing it with the following:

318:47-1 Procedures for Dispensing Controlled Drugs. Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or an authorized representative of the patient or animal owner, as defined in rules adopted by the pharmacy board, after consultation with the commissioner of health and human services, may pick up a prescription for a schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a schedule II, III, or IV controlled substance to a patient not personally known to the pharmacist, the pharmacy technician, or the pharmacy intern, the pharmacist, pharmacy technician, or pharmacy intern shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the authorized representative of the patient or animal owner.

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of Senate Bill 483 Ought to Pass with Amendment. This bill establishes a procedure for patients or their authorized representatives to pick up a prescription for a schedule II, III or IV controlled drug at a pharmacy. This bill would require individuals picking up prescriptions for someone other than themselves to be authorized by the intended recipient of the medication. This is an important step to ensure that controlled medications including opioids are not being diverted from their intended use. The committee amendment clarifies that the pharmacy technician or pharmacy intern may also verify the identity of the person picking up the medication. Please support the committee's recommendation of Ought to Pass with Amendment and thank you Mister President.

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

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

SB 489, establishing a committee to study parental alienation in New Hampshire.

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

Health and Human Services
February 7, 2018
2018-0514s
05/10

Amendment to SB 489

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

SENATOR AVARD: Thank you Mister President. I move Senate Bill 489 Ought to Pass with Amendment. This bill establishes a committee to study parental alienation in New Hampshire. Parental alienation is a form of child abuse where one parent, often following divorce or separation, creates a fear or hatred of another parent that is experienced by the child or children. This is an incredibly tragic situation that is occurring in our state. The committee will allow all of the stakeholders to work together to see if they can identify to the extent in which this is occurring in New Hampshire, as well as see if there are any services or resources that would benefit the children that have experienced this as children and as adults that have experienced this when children were involved. Please support the committee's recommendation of Ought to Pass with Amendment and thank you Mister President.

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

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

SB 552-FN, relative to transportation of trauma victims by first responders. Interim Study, Vote 5-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President, and members of the Senate. I sponsored this bill as a result of what happened to my wife and in the hearings on the bill and would have authorized a trauma victim's legal representative to specify which trauma hospital the patient can be transported to by first responders. It became clear that there are many more legs to this legislation than initially appeared. And as the prime sponsor of the bill, I agreed with the chairman of the committee that Interim Study would be a good place for this bill. I am working personally with the first responders over in the Department of Safety to bring protocols that are appropriate and up to national standards for the transmission of potential brain injured patients to our first responder community. And so for that reason I would support the committee's recommendation of Interim Study and ask you to do the same. Thank you, Mister President.

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

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.

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

Health and Human Services
February 1, 2018
2018-0426s
01/10

Amendment to SB 573-FN-A

Amend RSA 318-B:33, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. The chief medical examiner and delegates may register and access the program.

Amend the introductory paragraph of RSA 318-B:35, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) By electronic or written request to prescribers [and], dispensers, **and the chief medical examiner and delegates** within the state who are registered with the program:

2018-0426s

AMENDED ANALYSIS

This bill allows the chief medical examiner and delegates to register and access the controlled drug prescription health and safety program.

This bill also makes an appropriation to the controlled drug prescription health and safety program.

This bill is a request of the controlled drug prescription health and safety program, established in RSA 318-B:32.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 573 Ought to Pass with Amendment. This bill has two parts. The first part would allow the Office of the Medical Examiner direct access to prescription drug monitoring program for the purposes of conducting investigations. Currently the office needs to request reports from programs administrators and allowing them to direct access would increase their office efficiency. The second part of the bill deals with the long-term funding of the PDMP. This would take 5 percent of the revenues collected from license fees of the medical boards and place them in the PDMP. It is important that the program receive the funding it needs to do the job the legislature has asked it to do. The committee amendment that was requested by the attorney general's office clarifies language to make it consistent with other language used by the medical examiner's office. Please support the committee's recommendation of Ought to Pass with Amendment. Thank you Mister President.

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

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 394, enabling municipalities to establish term limits for elected officials.

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

SENATOR KAHN: Thank you, Mister President. I move that Senate Bill 394 is Inexpedient to Legislate. This bill would enable municipalities to establish term limits for elected officials. The committee reviewed this and felt that the legislation needs further clarification before it receives and goes forward. It's very selective as to which offices and municipalities

or towns to which the term limits would apply, and specifically needs some language that would clarify charter towns and cities that can establish those term limits and for which offices. Therefore, the committee asks that you please support the recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, February 22, 2018. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.

SB 504-FN, relative to sales of tax-deeded property.

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

Public and Municipal Affairs

February 8, 2018

2018-0525s

06/10

Amendment to SB 504-FN

Amend RSA 80:80, I-III as inserted by section 1 of the bill by replacing them with the following:

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the ~~[selectmen or the mayor]~~ **governing body** to transfer such lien or to convey such property by deed.

II. If the ~~[selectmen or mayor are]~~ **governing body is** so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The ~~[selectmen or mayor]~~ **governing body** shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

II-a. If the ~~[selectmen or mayor are]~~ **governing body is** authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The ~~[selectmen or mayor]~~ **governing body** may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

III. The ~~[selectmen]~~ **governing body** may, by a specific article in the town warrant, or ~~[the mayor may,]~~ by ordinance, ~~[may]~~ be autho-

rized to dispose of [~~a lien~~] **liens** or tax deeded [~~property~~] **properties** in a manner **other** than [~~otherwise~~] **as** provided in this section, as justice may require. ***Before proceeding under this provision, the governing body shall make an affirmative finding that disposal by a method other than sealed bid or public auction is in the public interest.*** Amend RSA 80:80, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the [~~selectmen or mayor~~] ***governing body*** to:

(a) ***Engage a real estate agent or broker to list and sell the property, including a sale conditional on the buyer's obtaining development approvals;***

(b) ***Sell undeveloped parcels to abutters for consolidation into adjoining lots for the purpose of affordable housing development, preserving open space, or reducing development density; or***

(c) Convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

2018-0525s

AMENDED ANALYSIS

This bill permits the governing body to dispose of liens or tax deeded property other than by sealed bid or public auction if it is in the public interest.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 504-FN Ought to Pass with Amendment. This bill as amended permits a governing body to dispose of liens or tax deeded property other than by sealed bid or public auction if it is in the public interest. Parcels could be sold to abutters for purposes of constructing an affordable housing development, preserving open spaces or reducing development density. The committee felt that listing the properties on the open market is in the best interest of the taxpayers. It will give more transparency to the citizens of the town by allowing them to have a say in how the property is used and protect the property values. I ask you please to support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. (The Chair recognized Senator French.)

SENATOR FRENCH: Thank you. I'd just like to disclose that as an auctioneer and a real estate broker I will be participating.

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

SB 505, requiring abutter notice of the construction of a crematory. Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 505 Ought to Pass. This bill requires abutter notice of the construction of

a crematory. The committee felt that this legislation was appropriate given the sensitive nature of the crematory business, and the emotional and physical effect it may have on nearby property owners. Studies have shown that the operation of a crematory produces odors and smoke that may be unpleasant to those in the immediate vicinity. This notice will allow the affected abutter to appeal to the town zoning board if they have objections. I ask that you please support the committee's recommendation of 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.

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) among first responders.

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

Public and Municipal Affairs

February 8, 2018

2018-0535s

08/04

Amendment to SB 508

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

AN ACT establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

Amend1 the bill by replacing section 1-3 with the following:

1 Committee Established. There is established a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the prevalence of post-traumatic stress disorder and other related disorders among first responders, including police officers, fire persons, and emergency medical service providers, and consider how to mitigate cases of PTSD and other related disorders in those fields.

2018-0535s

AMENDED ANALYSIS

This bill establishes a committee to study the prevalence of post-traumatic stress disorder and other related disorders among first responders.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 508 Ought to Pass with Amendment. This bill as amended establishes a committee to study the prevalence of post-traumatic stress disorder and other related disorders among first responders. The committee found that post-traumatic stress is a chronic condition which is taking a toll on first responders and emergency room personnel. The impact of repeated

exposures to the worst of crime and medical situations is evident in the mental health of these public servants. Studies have shown that the rates of depression and suicide are much higher among first responders. This established committee will take a deeper look at post-traumatic stress and other related disorders to investigate its prevalence and treatment options available. Recognizing the problem publicly is an important step towards reducing the stigma of mental health disorders among the best of our society. I ask you to please support the committee's recommendation of Ought to Pass with Amendment.

The question is on the adoption of the Committee Amendment. Adopted.
(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. As the prime sponsor of this bill I first want to thank the Dean of the Senate. He was the first person I asked to co-sponsor this and I walked into his office and it was a matter of seconds before he just said yes, no problem. And this is a bipartisan bill. We all understand that our first responders are critical to our infrastructure here in New Hampshire. A year back I went on a ride-along with Officer Casey Finn from Manchester, and when I went on the ride along with the officer I had to put on this vest, and I had to sign a release form, and it became very real at that moment. And the first call that we went on to, the people, it was a domestic violence situation and the people were yelling at him before he even got out of the car, and crossing the road. This is what our first responders have to go through on a routine basis. This eventually has its toll. I was just talking to the chief from Franklin, you know when I was a city councilor there, there was a fire where three people lost their lives. To this day it still troubles him. It's a scar that is right there, right on the surface. It's everywhere, it's in their minds it's in their heart and they have to deal with this. I know first responders from EMS people that have suffered based upon what they've seen. They protect us from a lot of things. So I'm happy for the co-sponsors on this bill and I'm happy to look into this and see how we can help. So I just wanted to say that.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President I rise neither in support and opposition of Senate Bill 508, but I rise to emphasize that our firefighters, police officers and emergency service workers are on the front lines, protecting us and our homes, patrolling our streets and rushing to the scene of the most serious and tragic incidents that occur in our communities each and every day, whenever they're called, whenever they're needed. And we can only imagine the things that they see on a daily basis. You know last session we recognized their exposure to traumatic events and long lasting effects with the passage of Senate Bill 507, sponsored by our colleague from District 3. In the committee our colleague highlighted not only the armed forces who suffer from PTSD, but also our first responders, and I'm grateful that the chamber last year recognized how important this is. However I believe this bill questions a little bit some of the previous work we did on proclaiming June PTSI Awareness Month. In testimony we received in both Public and Municipal Affairs and the Commerce Committee just in recent weeks, multiple studies were cited affirming the prevalence of PTSD in the first responder community. And I guess I just ask all of you to consider the weight of that evidence since so many of us serve on those committees, the academic peer reviewed and published studies

spanning decades about the incidence and prevalence of PTSD among our first responders. And having recognized all of that and heard all of that and for many of us who've done ride-alongs, witnessed all of that, I just question at this point whether five legislators are going to be able to gather additional information to move this issue forward. You know the chamber has taken several steps in the right direction with respect to mental and behavioral health issues. However I think if we wait another year to study this it just means that the people that we already recognize as being on the front lines, as already having PTSD, will just wait that much longer for services. So I hope that we can take steps this year to advance this process a little more rapidly. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. As a member of the Public and Municipal Affairs Committee I voted in support of this, I'm still in support of this. However, I just want to clarify a concern raised in the committee and that is that we do have another Senate Bill that deals with trying to provide worker's compensation for first responders that face post-traumatic stress disorders and without creating any prejudice to the Senate Bill 553 which is still moving through committee, but also not creating prejudice either way, that I don't think that this study interferes with us continuing to act on Senate Bill 553 on creating the unemployment compensation concern and trying to address it. I think there's a lot known about PTSD that first responders face. I think there's a lot of rationale for continuing to study and understand how to try to mitigate as this bill says, try to mitigate the effects of PTSI. But one thing that we can do, going forward is to consider the compensation for first responders when they need treatment and how we can go about doing that and delivering that. So I hope that we can allow the both of these serve a purpose during this session and carry both ideas forward. Thank you, Mister President.

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

SB 509, allowing municipalities to require income and expense information of business properties for tax appraisals.

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

SENATOR BIRDSSELL: Thank you, Mister President. I move Senate Bill 509 Inexpedient to Legislate. This bill would allow towns and cities to require owners of business property to provide upon request income and expense information for purposes to determine market value. The committee felt that requiring business owners to provide this information to the municipality was an overreach of government. Historically, the factors that decide fair market value are investigated and provided by the municipality's property assessors. The committee found no justification to transfer that burden to the business owner. Therefore, I would ask you to support the committee's recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

SB 510, relative to municipal notice of leases on tax-exempt property. Ought to Pass with Amendment, Vote 3-1. Senator Gray for the committee.

Public and Municipal Affairs
February 8, 2018
2018-0523s
05/04

Amendment to SB 510

Amend RSA 72:23, I(b)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

(B) The lessors of all leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a county, city, town, school district, or village district, including those properties identified under subparagraph (d), shall notify the municipality of the lease and other agreement by April 15 of each year.

Amend the bill by replacing section 2 with the following:

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

2018-0523s

AMENDED ANALYSIS

This bill requires lessors of tax-exempt public property to annually notify the municipality of the lease or any similar use or occupancy agreement.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 510 Ought to Pass with Amendment. The bill as amended requires lessors of the tax-exempt public property to annually notify the municipality of the lease or other agreement by April 15. According to New Hampshire statute RSA 72:23, if a public tax exempt property leases a portion of that property to a non-profit business, the portion becomes taxable. Currently the reporting requirements for the lessors is to notify the assessors of the leases are unclear and therefore the municipality loses out on tax revenue. The committee asks you to support the recommendation of Ought to Pass with Amendment. Thank you Mister President.

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

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

SB 513, establishing September as New Hampshire recovery month. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 513 Ought to Pass. This bill establishes September as New Hampshire Recovery Month. Unfortunately, there are many in our state who are struggling with opioid and various other addictions. Establishing a recovery month pays tribute to those who live in recovery every day and acknowledges the triumphs and struggles involved. Furthermore, it will help educate and encourage those who are struggling with addiction and the general public with the message that treatment works and recovery is possible. Nationally, September is recognized as Recovery Month and with this bill New Hampshire can reinforce our recognition of the importance of treatment and recovery. Therefore, I ask that you please support the committee's recommendation of Ought to Pass. Thank you Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise to give my deep thanks to the committee on this. I also want to give

great thanks to the members of the recovery community who came out to support this and we may have some here today with us in the gallery, I wasn't sure if there was people that were going to come. I also particularly want to thank the Governor for in previous years having celebrated this with a proclamation and I speak for myself and my brothers and sisters in the recovery community, for me thirty-four years of one day at a time now and I think this is a really nice moment for New Hampshire to say that we, here in New Hampshire, want to recognize this in our state statute as recovery month. Thank you, Mister President.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 513, the bill having previously been found 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 Giuda.

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

The following Senators voted No: (None)

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

FINANCE

CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention.

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

SENATOR DANIELS: Thank You, Mister President. I move CACR 21 Inexpedient to Legislate. We all agree that we are battling an opioid crisis, but this is a fight that we can win without a constitutional amendment that would require 5 percent of the previous fiscal year gross profits derived from the New Hampshire Liquor Commission from the sale of liquor be appropriated and used exclusively for alcohol and other drug abuse prevention, treatment, and recovery services. We have taken some very positive steps and calculated steps to address this issue head on. The legislature over the past few years has been extremely responsive to the various and ever changing needs of the opioid crisis. And we've established a comprehensive plan to address crucial needs including prevention, treatment and recovery efforts in all corners of the state. In fiscal year '18- '19 budget alone, we doubled the state funding, sending over 70 million to communities to fight this crisis. This funding includes: \$601,678 for the Office of Substance Abuse Disorder and Behavioral Health, \$6,889,167 for drug court funding, \$1,938,247 for drug task forces, \$1,605,431 for regional drug task force, \$900,000 for prevention drug monitoring program, \$250,000 for the residential substance abuse, \$56,902,879 for the Bureau of Drug and Alcohol Services, \$4,495,000 to establish a drug border drug interdiction program. That's a total of \$73,582,402 we have allocated toward this fight in just the last year. Add to that the 40 percent of funds that were left unspent in the Alcohol Fund at the end of the last biennium, which was approximately \$3 million and another \$26 million via the Medicaid expansion and we

have over \$102 million we are using, or plan to use, in this biennium to counter alcohol and drug abuse. It is now time to do our due diligence and acquire clear and convincing evidence of the effectiveness of these funds before appropriating additional monies.

Another important thing to remember is that CACR 21 would establish an unprecedented mandate for specific spending in the constitution. We will continue to fight this crisis with diligence, perseverance and commitment. We only need a constitutional amendment if we willingly abrogate our responsibility to be accountable to the effectiveness of the funds we have already dedicated to this endeavor. We will win this battle. We will not need any additional funding with this. And when we win, we will not need the additional funding that this constitutional amendment seeks. And we will win Mister President, for losing is not in our character. For that reason, I ask the body to support the Finance Committee's recommendation of ITL on CACR 21. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition. Yesterday a group of legislators and members of the faith community gathered across the street at St. Paul's Episcopal Church to celebrate Ash Wednesday and our great Senate Chaplain provided a sermon that really tested all of us there and he asked us to take a look at the state of our soul. And he pushed us to assess our own selves and how we sometimes have a tendency, particularly in this business to over play our response and our decency and morality and our open mindedness, which sometimes gets caught in the fight of the day. He illustrated that call with a story from C. S. Lewis and after a hard day of work C. S. was walking with a buddy of his to the local pub to enjoy a pint. And along the way he was approached by a man, a kind of befuddled man, maybe we'd call him homeless today, who was asking for change and C. S. took the change out and handed it to the guy and his attentive friend said, "you know he's only going to spend it on booze," and C. S. said, "that's what I was going to spend it on." So that's the situation that we're in, this CACR is a simple, asking for 5 percent of the gross profits from our state liquor stores. New Hampshire is famous for its frugality, and it borderlines at times on abandonment. We spend less than most states, we provide less treatment and access to treatment than most states, the vast majority and we have near record deaths, near record overdoses. We see families, communities, private property, schools, law enforcement, health care taxed by this epidemic. It's ravaging our communities and we need to address it. And we have the state liquor store, a monopoly, a tremendously successful monopoly that makes \$700 million a year. And we're asking is that 5 percent of the gross profits go to the alcohol fund to fight substance abuse, treatment, recovery, intervention, prevention.

The state of New Hampshire, a state that pushes booze on its highways, needs to be pushing treatment, recovery and services that we need to provide in people in need. We are the wealthiest state in the nation, yet we spend 12 times more money on a tax cut for the wealthiest among us, than we do on substance abuse, treatment and recovery. You know this alcohol fund has become a political football, I have the history here, the great history of this idea, dating back to Senator Ned Gordon's proposal which was vetoed by a Democratic Governor. And in that day he brought in, and I think the Dean of the Senate was here, he brought in cases of beer and put little drops to show how much actually went into the alcohol fund. And it was the idea on an Alexandria student that said we

should be for taking and spending money on alcohol in the state of New Hampshire that we should be helping those who are addicted to it. And it wrote in perpetuity, in perpetuity. They thought in 2000, in perpetuity, but we all know what happened. We all know it was funded once at 5 percent, and we know this legislature— I was a member here— that we fully funded it and then we dropped the number down, and we played games. Well the party is over. The party is over. We need to take this issue, take the alcohol fund, put it in the constitution so we can solve this problem, we can solve this problem, but we can't solve it with small ideas, small investments, we need to make a concerted real serious effort.

You know substance abuse, we talked about how proud we are, how proud we are to have a day in September, and that's a great thing. But let's not just have a day in September, let's really make a serious investment. Substance abuse whether it be alcohol or opioids, is kind of like what Mark Twain said about the weather; everybody talks about it, but nobody does anything. Let's do something today, let's not wait, let's act, let's take this out of politics, let's put it in the constitution and ensure it's not touching these legislative hands, it's going directly to the services that people need, let's get the job done. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you very much. I rise and thank my good friend from the North Country for your comments, because this is one of the most important conversations we can have. And you're absolutely right my good friend, we cannot solve this problem with money alone. Our conversation needs to change from dollars to sense. We have to go and look at how good of a job are we doing, not how much money are we throwing at the job. We have to recognize the fact that we all, every single one of us, know we have a crisis, every single one of us have participated, every single one of us have brought ideas to the table. But our solution to this problem isn't just about money. You know I heard our Governor speaking this morning about all the things that we have been able to do that he has led on, that we have supported him on. We talked about we now have a teen addiction center. We now have a center specifically for pregnant moms. The Governor spoke today about the fact that we are considering today in one of our committees, establishing New Hampshire as the first place in America that'll specifically designate us as a workplace recovery-free center. That we recognize people are struggling on the jobs that we, in the state of New Hampshire, are trying to come up with a program to solve the problem, not just with money but with programs that'll make it work for us. When I first came here and we first began discussing this problem we were spending \$4.5 million dollars on the opioid crisis. Today from my calculation, this year we're going to spend over \$150 million dollars. We talked about the \$70 million from my good friend the Finance Chair, we know in Medicaid expansion we spent another \$27 million. I know from one specific insurer, just one of the insurers in this state, they have paid out over 139,000 individual claims for \$53 million in new substance treatment in 2017 alone.

My friend, our issue today isn't, are we throwing enough resources at this problem? Our issue today is are we being effective with the money that we're spending? Now we all recognize today that we have seen that even with all the resources available some of our providers of support have struggled and in fact have failed. It's not due to lack of trying, it's due to what my concern is: our need to continue to really understand what our problem is and come up with good long term solutions that help our

people. My friend, you know how passionately I personally believe that we need to make a prescription drug monitoring program mandatory. We have to shut off the faucet from creating new addicts. Something this legislature could do without spending any money. You know how this body itself led the charge to recognize that peer to peer recovery is a viable alternative we should be looking at and I thank you so much for coming to the table and helping to pass direct funding to that organization, which is actually seeing results. Our need today is solutions; our need today is an accountability of the money that we're spending in order to get these opioid overdoses down, in order to get the deaths down. So as the Governor said, craft this solution. I know we all care about this, I know we are all working on this, I know I've seen the Governor, I've heard the Governor. It's so important to him and every single one of us in here, so I implore this body to change this direction from whenever there's a problem, it's only about money. Two, we have a problem and let's see how we solve it. So with that I ask the body to vote down this amendment on the constitutional amendment and let's find solutions with the resources we know we're using today to make them more effective to help the people we have. Thank you, Mister President.

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

SENATOR WATTERS: Thank you, Senator for taking my question. You know I'm sure we share our appreciation of the work that the Senator from District 11 and the previous Senator from District 2 and really the whole body has done on increasing funding, but wouldn't you say that there's something that now all money is really just fundable that there's a particular responsibility since we are a state control on liquor that it suggested a particular responsibility that we decided to make money off of this that we need to dedicate money from that sale towards recovery services?

SENATOR WOODBURN: Thank you for the question, Senator. Of course we have a moral responsibility to make sure as people who are pushing, the state who is pushing booze on our highways, we have a moral responsibility to do more. And when I hear all this that we're doing too much, we're doing too much; if it was your kid, you'd be doing more, you'd be doing everything possible to get your kid clean. That's what you'd be doing, and that's what I'd be doing, and that's what we should be doing.

SENATOR WATTERS: Thank you, Mister President. Also we heard the Senator from District 11 suggest that it would be unprecedented to put an expenditure stream like this into the constitution, but isn't it the case that to get politics out of it we have the road toll in the constitution and the pension fund in the constitution?

SENATOR WOODBURN: That's correct, Senator, and also we have the lottery, which is also a protected fund. So this, it's been a process to protect from the politics of usual to be able to ensure that these priorities get funded.

SENATOR WATTERS: Thank you, Senator.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the amendment. I'd like to talk to my colleagues as mothers and fathers, sisters and brothers of a person who is an alcoholic. What if your kid comes home one night stumbling and drunk. You thank God he got home, but he drove that car home and he could have

been in an accident. I was in this chamber when we voted this piece of legislation into law. That piece of legislation mandated that 5 percent went into a fund because we wanted to protect our children, we wanted to protect our families. Our Chair of Finance has given really a great iteration on the money we are spending and I applaud that. I applaud the fact that we have spent more money than other legislatures have spent. But there was a need, so we addressed the need.

When Senator Gordon sat in that seat and sponsored this bill, along with Representative Lemire, it was the culmination of years of activity, years of the carnage that takes place on our highways. There are more people dying in this state from alcohol than anything else. DWI's; look at them, look at the crashes on the highway, look at them on a daily basis. That's alcohol. What's our basic way of treating alcohol? What is it? It's Alcoholics Anonymous. As I said in my committee; they meet every Saturday morning in my district at a local restaurant. You know how full that room is? It's packed. It's packed with women, it's packed with young people, it's packed with older people. What are they there for? They're there to be part of a brotherhood that hopefully supports them and keeps them from returning to the most dangerous demon in the world, alcohol. The demon rum is pervasive, and it's been around since the beginning of time, since the beginning of time.

We have an opportunity as a legislature to do something that our fellow Senators did. They fully funded the program. And Mister President, I applaud you in terms of restoring money to that program and getting it to the level where it is. But I'm very, very suspicious of suspension. There are seven pages of suspensions in the budget that we passed. Seven pages of suspensions. You can suspend any time, and we do it, we do it on a regular basis. If you put this in the constitution you can't suspend it. Very few people have suspended the constitution. One was Abraham Lincoln when he suspended habeas corpus during the Civil War. Had a reason for it. But we didn't like it. We don't like our children dying.

I'm a coach I've been a coach all of my life. My players, many, many of whom, great Americans, but a few of them alcoholics. I'll cite you one example of a kid that I coached at Manchester Central High School, who was in an automobile accident when he was at the University of New Hampshire. He was driving on that Durham Road, and Senator Watters knows about that road because the kids drive it all the time on their way to Portsmouth to drink, because Durham was dry during those days. Gets in an automobile accident and becomes a paraplegic; a paraplegic, his life is gone. His life is gone; a kid who had the kind of potential that would make us all feel really good about it. He had potential. He ends up a paraplegic. Alright, thankfully he was able to recover and pull himself out. The quarterback of my football team at Bishop Bradley High School, he died walking up and down Elm Street. He died as a drunk. Went in the service, where you could get a beer for ten cents when you went to the PX. They gave it to you because you were fighting, you were defending this country and what do they give you? Alcohol. My friend who was in the corps knows that, and you could buy it at the PX for a very minimum price. We have an opportunity to save those lives. Boy, that's a wonderful, wonderful thing when you can save a life. We've got to think about that. We've got to think about our commitments here.

Senator Gordon was a brave guy. He's now a judge. Ask Senator Gordon how many cases he deals with on a regular basis. Republican Senator Gordon not a Democrat, Republican Senator. Ask him how many DWI's

he deals with from the bench, and what do we do? We put them in jail. Now that's a big cure isn't it? We put them in jail. How long must they go to jail? They've got to go for at least a year, so we fill up the jail, we've got a full house in Concord, we've got a full house in Berlin. How many are there for alcohol related problems, how many? At a cost of what, \$35,000 a year? Think of it. Think about that Corrections budget, and how it grows and grows and grows. So we have an opportunity. It's not easy to do this, it's not easy to make this commitment, but we have to make a commitment to saving the lives of human beings. I've got three kids, I've got nine grandchildren, I have two great-grandchildren. You think my grandsons aren't going to drink? They're not going to go out some day and have a few beers or something when they shouldn't? Yeah. And what have I got to do? I've got to be on them all the time. Yeah, you've got to be on them, don't do that, don't let yourself be caught in that trap. But on the other hand let them how about all the kids that were caught in that trap? Don't we have a responsibility to take care of them? We, as Senator Woodburn pointed out, we sell alcohol, we are a control state. You know what that meant in the old days? We would control the sale of alcohol, we were going to control it. We are the second leading seller of alcohol in America. Only Pennsylvania supersedes us. Only Pennsylvania and our profit margin is greater than Pennsylvania's. So we're in the business. If you're in the business, you've got to deal with the repercussions. And we've got to wake up to that fact. It may not happen here today, but we are going to have to live with this for the rest of our lives, because that kid, our neighbor, our friend, that youngster you had in school; one of them is going to die. One of them is going to have a serious accident, and what have we done to protect them? We were supposed to be teaching in the schools, we were supposed to be spending money on PSAs about drinking and driving, drinking and driving, about over drinking. It hurts everybody across the board. So my plea to my colleagues is think about it. Just think about it, and think about what you would do if that case came home to roost on your door. Think about it. I think about it every day. When I see my grandson play, I go to him, I put my arms around him, I give him a kiss and I say, boy I'm glad you're safe from playing hockey, and I tell him please don't get involved in drinking. Just don't do it. Because if you do we're all going to suffer. It's a plea for you to think about it, just think about it. Every vote counts I understand that and I understand how to count, I know that too, I've been here long enough to know that. But I can say this, we have a responsibility. Don't lose your moral compass, because it's something that we'll have hopefully for the rest of our lives. We're only going to be here for a short period of time. But what we do here remains basically in perpetuity. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you. It's a little hard to speak after Senator D'Allesandro made such a compelling statement. I think it's important to put in context that both Republican majorities and Democratic majorities in the past have abrogated their responsibility. Time and time again when there was pressure on our budget, our general fund, we did not honor that 5 percent commitment that we had agreed to under the leadership as you heard of Senator Gordon. Right now on a daily basis we have fifty to sixty people waiting in emergency rooms around the state because we don't have the adequate number of treatment centers. We don't have the treatment centers for people who are suffering from alcohol. But the number of people with alcoholic problems in this state

is going up, it's not going down. And the opiate addiction crisis has sort of pushed that out of the way but we have a responsibility both to those people who are struggling with alcohol addiction and also with the opiate addiction and other types of addiction with regard to drugs. And I heard what our good Senator said from Senator District 9 about what we need to look at how effective we're being and not look at the resources. Well we can't be effective without resources to move forward. We've seen that in the last year from the amount of money that we've upped to spend on the opiate crisis, but where are we right now? We still have the highest number of deaths or second highest number of deaths in the country. We cannot solve these problems around addiction by investing only halfway. And we can't put this money at risk in the future by continually letting it be part of the discussion about how we're going to allocate our general funds from one year to the next. By voting for this CACR we're going to protect those monies for the future and make sure that we have them, not only to address those people who are suffering from addiction, but also to do a much more intensive education around the problems related to addiction and that costs money to do that. So I'm just here to say that we all have abrogated our responsibility at one time or another. But now we have an opportunity to put that program in a lockbox so it continues in the humanitarian way that it was set up to do to address the citizens of this state who are struggling with a wide range of addiction. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. You know I find it interesting as I often do when we have these significant issues that come to this floor and how we all try to do the best that we can for our state and for our constituents, and I think we have. Maybe not perfect, but we've done a lot. We've done more than a lot. To my friend from the North Country; we haven't thought small, we've made a commitment. Senator from District 11 outlined that commitment that we've made over the last several years. Now our friend in the chair and our friend from Senate District 11 are the mathematicians here but I think what we're arguing about is the difference between 3.4 percent and 5 percent, which if I have it correct is \$3 million and if I listen carefully to the great job that our Senate Finance Chair just did listing all of the initiatives that we've funded it's over \$100 million. So have we met our responsibilities? Absolutely. Have we abrogated them? Clearly not. Have we invested in substance abuse? Absolutely. Have we treated the substance abuse and mental health crisis, as moral imperatives? Absolutely. My friend from District 11 talked about the dollars spent; let's talk about what some of those dollars have bought. The prescription drug monitoring program, which has been upgraded, and legislation that I believe while I was out of the room we voted on, we'll put it on a secure funding basis. We changed prior authorization law, I think our friend from Concord had a lot to do with that, and our former colleague from District 24 had a lot to do with that. The Governor called for creating an outpatient drug treatment center at the Sununu Center, it's in the process of being built. Our friend from the House, Representative Rosenwald, led the effort on reforming prescribing guidelines. We've done a huge amount to put more state troopers on the road and fund Granite Hammer to try to interdict drugs coming into our state.

Former Governor Hassan led the effort to have appropriate penalties for dealers of heroin and fentanyl. That was changed a couple of years

ago. We have put millions of dollars into this crisis, and somehow we are arguing about whether it's 3.4 percent, which it is today, or 5 percent misses the big picture of what we've done. But because words like abrogated responsibility or not fulfilling a commitment or not investing in the necessary funding for New Hampshire, I just have to ask the question; wasn't the 2015 budget vetoed, when we raised the alcohol fund to 1.7 percent? And didn't some of us vote against the budget that raised the funding level from 1.7 to 3.4 percent? If we want to talk about moral imperatives, let's talk about the 23,000 people that all of us ought to be thinking about, that need us to reauthorize our Medicaid expansion law. Some of us don't like it, some of us like it, some of us want it changed. That's a moral imperative. That should be a bipartisan moral imperative. It's going to call for each and every one of us to think about not only those 23,000 people, but the 50,000 people who benefit from that and get outside our comfort zone and not make the perfect the enemy of the good. That's our moral imperative. We have met, as our friend from Milford so eloquently described, the funding imperatives for substance abuse and I think we can and should do more, but this is not the right way to do it, which is why I ask for you to vote Inexpedient to Legislate on this, and remember what our moral imperatives really are and the issues that will come before us in the very near future. Thank you, Mister President.

Recess. Out of recess.

PRESIDENT MORSE: I do think we have some guests still from the Vesta Roy group. Welcome. We have more than a few members in the Senate who have gone through the program. Some of them are here working today and it's a great program and we thank Speaker Sytek for still being involved with it. I know she didn't come upstairs but we wanted her to, so thank you very much and thank you for coming in.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just want to hopefully end this conversation with just the salient point that this is not about the percentage, it is about the commitment that we've made as a legislature and enshrining it in our constitution. Thank you, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: My inquiry would be is being this as a vote to recommend passage of a resolution for ITL versus passage, is it a 50 percent vote plus one or is it 2/3 at this point?

PRESIDENT MORSE: You'd need thirteen votes to adopt the Inexpedient to Legislate.

SENATOR SANBORN: You'd need thirteen to adopt Inexpedient. Thank you, Mister President.

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

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.

SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies.

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

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 542-FN Inexpedient to Legislate. This bill permits the withdrawal of funds from the Revenue Stabilization Reserve Account or the Rainy Day Fund, to address a public health emergency declared by the Governor or by the General Court. SB 542 would allow the fund to be accessed without requiring proof that funding or other resources appropriated by the state for a public health emergency have been exhausted, or are being used most effectively. This bill fails to develop a compelling plan on how to utilize these critical funds. Members of the Senate Finance Committee believe the legislature has a responsibility to the citizens of New Hampshire to protect the Rainy Day Fund. Drawing from it should only be done in a cautious and well-thought out manner. The committee recommends Senate Bill 542 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the recommendation of Inexpedient to Legislate. It's a rainy day right now, on the opioid epidemic. Using a portion of the Rainy Day Fund to combat the opioid epidemic makes good sense. It also makes good sense in terms of potentially in terms of mental health Mister President, something that the Governor and folks in this chamber have made a priority and the Governor made a priority in his speech earlier and certainly more resources need to be directed in the mental health crisis. We have an issue based on hearing from law enforcement that meth is a growing problem in our state in terms of public health. This bill allows the Governor to declare a public health emergency and then allocate up to 10 percent of the Rainy Day Fund in order to combat that public health emergency. And it allows the Governor the discretion to work with the stakeholders, work with the commissioner, work with the law enforcement community to develop a plan which with the oversight by the Fiscal Committee and Executive Council can get out the door to combat this epidemic. Now let me address some of the arguments against this that we've heard. We've heard one argument that this is one time spending and we don't do one time spends. That's not accurate, we've done that a lot over the last few years, we've done it on the PDMP, we've done it on recovery and transitional housing, we've done it on Granite Hammer, there are plenty of efforts that we can do in a constructive way that we have done in a constructive way, in a bipartisan way with one time spends to combat the opioid epidemic. There's an argument that it's not clearly laid out what the Governor must do in the legislation, but that's intentional. We wanted to give Governor Sununu the discretion to develop a plan, working with the Governor's Commission to combat the epidemic. Third, there's an argument about the rainy day fund, but the indication from the treasurer is that this will not affect our bond rating if up to 10 percent of the rainy day fund was used to combat the opioid epidemic.

And lastly, we've heard that we spent a lot of money already and that there isn't measurement of effectiveness; there are reports on effectiveness on the return on investment in everything that we spent, and the Governor went to Washington D.C. to ask President Trump for \$350 million. This would authorize up to \$10 million. The notion that the Governor does not have an ability to construct a plan to spend \$10 million is inaccurate. He asked for \$350 million. The last argument that we've heard is just a political argument that this is a political gotcha thing. I'm not going to respond to that. It's I think a completely inaccurate argument. Everybody here is serious about combatting these crises. So to just cast it as a political gotcha I think is troubling. Lastly, I'll just say this; I know this is a creative idea that some don't see as perfect, but as my friend from Wolfeboro said sometimes you have step out of your comfort zone and not let the perfect be the enemy of the good. This is an idea without raising taxes or fees that we can do right now to combat these public health emergencies. So, I'd respectfully request that we overturn the motion of ITL and we move forward with Ought to Pass. Thank you, Mister President.

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

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 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

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

SENATOR REAGAN: Thank you, Mister President. I move House Bill 561 Inexpedient to Legislate. This bill changes the already arbitrary limit on employment of a retirement system retiree to an annual 1,300 hour limit, or up to 1,600 hours if a surcharge is paid by the retired member and the employer. The bill also arbitrarily prohibits part-time employment in the first twenty-eight days after retirement. Finally, House Bill 561 establishes a punitive and arbitrary penalty for retired members who exceed the annual arbitrary part-time hour limits. A majority of the Senate Finance Committee believes this bill will force trained, competent retirees to seek part-time employment outside of our New Hampshire towns, counties, cities and state, and will cost taxpayers more to fill public safety needs statewide, and will do nothing, and all recognize this, to help the financial status of the retirement system. Moreover, HB 561 creates problems in municipalities that have always had part-time position, and have difficulty recruiting and retaining qualified part-time workers. The committee recommends House Bill 561 Inexpedient to Legislate and on behalf of the towns and cities and counties in the state, asks for your support on Inexpedient to Legislate.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to speak against the ITL motion and ask the body to overturn the ITL motion so that I can offer a subsequent motion. Mister President, we have discussed this issue quite a bit in this chamber since January and

I'd like to remind people of a few things. First of all, my colleague from Senate District 4 and I spent a good portion of the summer, all fall and even during the Christmas holidays working on the Decennial Commission. And this was in part, a recommendation of the Decennial Commission. As you all are aware, the original amendment capped the hours at 1,040. This was voted on and adopted by the commission, but when we brought that forward it really seemed to cause a lot of problems because most municipalities in this state hired individuals to work the twenty-five hours a week, which comes out to 1,300 hours a year. We felt we did not want to harm the municipalities or the people that were working there so we kept that 1,300 hours in place. These folks who do this are not going to be harmed, nor are the municipalities in any way. These folks are going to be able to work, in fact the documents that we received from the retirement system showed that most people worked on the average of twenty hours a week. The folks that do work the 1,300 hours a week are the folks that are seasonal workers, folks that are in our good friend from Senate District 24, their district out at Hampton Beach and at the state parks, again because they're going to be working basically a full-time job during a very short intense period of time.

The retirement system asks for a penalty because there are people that do go over the allotted amount of time which is 1,660 hours per year, and they had no mechanism to punish these folks who broke the law. This is already existing law. There are no new dates in there, there's the 1,300 hours is in statute, as well as the 1,660. The only change is the Decennial Commission realized that people that work more than thirty hours a week are essentially working a full time job. These folks are not paying into the system, and I'd like to remind all of you that New Hampshire is one of fourteen states in this country that allows our retired workers to go back to work. The vast majority and including the federal government say no. Once you are retired you are retired, that's it, there's no going back to work for the Federal Government, there's no going back to work for any other agency. But we realize that this is a critical need in the state of New Hampshire, and so we allow our retirees to go back to work. But is it wrong to put rails around it? We talk about people crossing the border. We have a lot of our New Hampshire folks that go down to work in Massachusetts. Why? Because Massachusetts has an arbitrary 940 hours a year. That's all that their folks can work if they come back to work. So our New Hampshire folks can go down to work in Massachusetts and they can work as long as they want, and quite frankly people from Massachusetts come up here and do the same thing because they don't have to abide by that 940 hours a year. Why are we doing this Mister President? And my good friend from Senate District 17 is correct. When we had the discussions, there was a discussion of the fact that okay this is not a problem, but I'd like to say yet. This is not a problem yet.

The actuaries are watching this issue very closely and we have a choice today. We can either wait like we have done in the past, until we face an untenable position much like we faced in 2011 where we had to make some pretty darn hard decisions, and they were not easy decisions. Or do we do it today? Do we do it today and say okay, this is a potential problem, let's fix it today. I am for fixing the problem today and I'd also like to point out one thing that we did learn, which I think surprised many members of the committee was the real problem that we have in attracting police officers to come work in the state of New Hampshire,

and that is one reason why municipalities are going to retired individuals. I don't see this ending anytime soon, until we start doing something about attracting police officers, young men and women to come and work for us, so this problem is only going to get worse as time goes on. I have already started discussions with the Governor's office to see about what can we do, what can we do. We have great programs in our colleges as well as our community college systems. What are we doing connecting these students to police departments to get them employed when they graduate from these criminal justice programs. Those are things that we can do, but we have to be prepared, we have to be prepared. Let's take care of this today and I'd also like to remind you the legislation also grandfather anyone who's currently working. So somebody who retired under a certain set of rules, this is not going to touch them. This is not going to touch them. Another point that was brought out during the public hearing, the suggestion was made to ask for the surcharge, and the people in the room thought that was a great idea, and in fact I received a letter from a selectwoman of Francess town who thought that was a great idea and they wouldn't mind paying that 5 percent, because they are not paying the full rate. They are not going to pay the full rate. So again Mister President, I don't want to deliberate the point anymore, we had good extensive discussions here concerning this issue. I would ask again all of you to overturn the Inexpedient to Legislate so I can offer a motion of Ought to Pass. Thank you very much, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Just in the way of disclosure, I am a selectman in the town of Milford and I understand that that isn't violating our ethics laws, but I just wanted to disclose that so that you can understand some of the perspective that I'm coming from. And Mister President, make no mistake we are penalizing our cities and towns for having needs that exceed our expectations and I believe the Senator from District 14 just acknowledged that by saying that the town would be paying a penalty. Understand also that we are taxing retirees because they want or they need to work more than twenty-five hours. Simply put, House Bill 561 suppresses local control without regard to the financial or resource needs of the communities that we're supposed to be representing. Mentioned in 2001 we put the current plan in place, but understand that was a thirty year plan put in place, some of where the expectations that there was going to be no change over that thirty years in terms of employment or status. And that's unrealistic. We know that the pension system is a living entity and it's subject to changing on a day to day basis. Acknowledging that the pension system needs to be addressed, we won't fix this gaping wound in the system with this band-aid approach. I'll be the first to stand here and welcome anyone to work with me to come up with a way that we can fix the system, but we should not be doing it piecemeal. We should not be trying to fix the system with proposed solutions that just exacerbate or create additional problems at the local level. And with that I would ask you to please join me in voting ITL on House Bill 561. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the motion of ITL and I know we're all coming here from very different places, like my colleague from District 11 is so concerned about his role in select board and working for towns. I hear other words about the fact that you know many or some of us Mister President, were here the

last time we took a real hard look at the retirement system when it was \$5 billion upside down and I think it's still \$5 billion upside down. So there's no question that we have to do something if we're to try and get our hands around and cure the problem. But my challenge with this bill is using the force of government to tell people how much they can work. What is that all about? What does it mean for any of us to think that we should be sitting here debating and trying to pass a bill that limits how much people can work? It's not my value set, I don't think it's the value set of many people in this room. So if for no other reason tha you believe people deserve a right to work and government should not be telling them that they're going to limit the hours that they can work, I would ask people to support the ITL. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I rise to speak against the committee recommendation of Inexpedient to Legislate, and to support my colleague from Londonderry. Boy, Yogi Berra said it right, it's déjà vu all over again and here we are, here we are debating retirement. It was in 2011 that I was the sponsor of Senate Bill 3 and there's still people in the state that won't talk to me as a result of my efforts to try to bring some sanity to the retirement system. We made some really necessary reform. Employees paid higher rates; we limited the amount of sick time and vacation time and special duty details that could be put into your last three years which became five years that determined your average. And we made the age of retirement gradually increase. The reforms that we made were comprehensive. There was one piece that I thought this piece, the double dipping piece, that we came to a reasonable place on with the thirty-two hours and anybody that worked above thirty-two hours would have to go back in the retirement system. It seemed like a reasonable compromise at the time, but we've watched what's happened. That's the problem. There are too many, whether it's municipalities, counties, schools, even the state where people have retired, so the get their retirement salary and then they go back to work at thirty-two hours or less and don't pay into the system, and so that skews the actuarial rates. Now I will agree with the folks that think we should kill this bill, it's not yet a problem. The actuaries are watching this carefully. There are 500 people doing this today, roughly, 491? 490. But if we don't fix this today it's going to be 1,000 in a couple of years or 2,000 in the future because it's a loophole. We didn't do a good enough job of making it at a level that people could fill the part-time, legitimately part-time positions and not have an impact on the system.

And I said it then and this is why Yogi Berra is so prescient that it's déjà vu all over again. You can take your medicine today when it's easier to take or you can wait and it becomes more bitter and harder to swallow. And if this becomes a problem, then it becomes a bigger problem and the cure is tougher. And so what as our friend from Londonderry proposed, which was not amended in the Finance Committee, it's pretty reasonable. It's not a penalty. The towns that are going to pay this 5 percent, it's not a penalty. They're going to pay one way or the other, they have to have actuarially sound rates, so it's either going to come on the full-time employees or this little bit on the 25 to 32 hour employees of 5 percent. They're going to pay one way or the other. And for the individual, yeah it's 3 percent but they're getting the right to get a retirement check and then go back to work and not contribute to the retirement system, so I don't think in any manner, shape or form it's punitive. That's why

the Union Leader supported it; time for a fix. It's not punitive, it's not piecemeal, it's the one thing that we should have fixed better in 2003. Every position, those 490 positions are exempted and if you overturn the committee recommendation and we move on an Ought to Pass motion, I will introduce a Floor Amendment that will extend the effective date up to January 1 of 2019 that will give all the employers in the state of New Hampshire ample notice and time to plan for the fact that anything done under the current law stays in effect going forward. In other words, open season on grandfathering somewhat further into the future. Because I agree with the folks who say that it's not a problem yet, but I don't want to be in the situation that we were in when the employers had unrealistically low rates. The benefits that were paid under the retirement system were over and above what was mandated by law and the rate of return set by the actuaries was too low, created a \$5 billion problem. We can do something about it today or we can let the problem grow, we can hear no evil, see no evil, speak no evil but that problem will grow and the fixes will be worse in the future. This is a reasonable proposal of our friend from Londonderry, it protects all the employers and it protects all the individuals. So I'd ask the folks that voted for this bill in the past to overturn the committee report so that we can move with an Ought to Pass, make sure that this loophole is closed, be fair to all employers and all employees and move that effective date out on a Floor Amendment. Thank you, Mister President.

PRESIDENT MORSE: All I know is we got through twenty bills when you weren't here Senator Bradley.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. We keep hearing this argument that this is going to make the system worse, when by actual testimony received we heard that the actuary stated this does not make the situation any worse. But we keep bringing that up as an argument to make us want to support this. It is, we heard another argument that we can't find police officers to fill all the vacant police officer jobs, and we're going to fix that by barring trained police officers from working in our towns. It just defies logic. This isn't a logical argument. You don't make a thing better by making the situation worse. Double dipping, for this to be double dipping would mean that these people who are then working as retirees were going to get another pension; that they were going to get two pensions from the same system. That's double dipping. These are single dipper retirees who are now working. So these arguments defy imagination, and I was on the first Decennial Commission, a long time ago, and one of the calculations that I was able to make was every dollar that you add to the retirement system gives you a greater than a dollar liability and that's why we are where we are today. You don't make an annuity better by adding liability to it. And that's what this effort is. This is an effort to hire more full-time people to increase that future liability to the retirement system. You'll fix this system when you stop putting people into it. And the actuaries know that and they maybe even said it, we just haven't heard it here yet. Vote no, support your communities that we're here to represent, vote no on this and do not tie their hands from where they're going to get employees. It's a situation that's not improving.

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

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

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

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Carson, Dist 14

February 13, 2018

2018-0611s

10/05

Floor Amendment to HB 561-FN

Amend the bill by replacing section 7 with the following:

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

SENATOR BRADLEY: Thank you, Mister President. As I indicated previously this moves out the effective date from passage to January 1, 2019. This adds the protections I talked about for employers to be able to take advantage of any existing employee having the grandfathering provision. So it gives an extra six to eight months of grandfathering. I think it's fair to everyone involved. 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.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on HB 561-FN.

HEALTH AND HUMAN SERVICES

SB 381, deleting immunization/vaccination requirements for Hepatitis B. Inexpedient to Legislate, Vote 4-1. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move Senate Bill 381 Inexpedient to Legislate. This bill declares that a parent or legal guardian shall not be required to have their child immunized against Hepatitis B in order to enter daycare or public school. Hepatitis B is a dangerous and infectious disease that is spread through bodily fluids. Currently we require children to have received 3 doses of the Hep B vaccine by the time they enter day care or the school system. There is no requirement for vaccination at birth. Although risk of transmission is low the disease can be spread from shared personal items or for example from biting. The disease is more dangerous for children because if a child becomes infected the disease can become chronic leading to a lifetime of issues that include liver disease and cancer. The vaccine is an important part of our states public health keeping the incidence of Hep B low here. Removal of the requirement for immunization could lead to a significant increase in the number of children and adults suffering from this devastating and incurable disease. Please support the committee's recommendation of Inexpedient to Legislate. Thank you Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the motion of Inexpedient to Legislate. I want to state that Hepatitis B is an adult disease spread by adult activities. The vaccine is not routinely recommended for adults. It is recommended for high risk individuals, so why would we require it for babies who have even less risk? Hepatitis B has no record of incidence in New Hampshire day care or school children as reported by DHHS. There has been no proven incidence of Hepatitis B spread in a day care or school through saliva or tears or biting, by sharing toothbrushes or cups or by school sports. Any studies suggesting such spread is possible are only hypothetical and not proven. I want to address a comment that was just made that immunization as a baby or at birth is not required. I'm holding a document from Health and Human Services entitled Immunization; Minimum Dose Requirements for Child Care. And under, it says Hep B, Hepatitis B vaccine three doses given at birth, age one to two months, sixteen to eighteen months. There's a chart further into that document that says immunizations by age group, and it has two columns. One is the child's age and then the second column is the child should receive. So if we look under two to three months, it says the child should have received two doses of Hep B. So that goes back to the initial document here that says that it's given at birth. If you look further under four to five months it still is two doses of Hep B. And then from sixteen to fourteen months it's three doses of Hep B. So just by the documentation on our website it clearly states that a dose is given and required at birth. Now we followed Hep B vaccinations. They have been reported seventy-five babies have reportedly died since this vaccine was required in 1996. In addition, the vaccines have also shown to be a causative factor in SIDS death per published in the federal vaccine injury compensation claim. So I just want to bring that to your attention, because what we're doing is we're putting at risk babies who basically have no risk. They're allowed into daycares now and by again, by our own Department of Health and Human Services, it seems like there have been no reported incidences of it and yet we have experienced seventy-four deaths since '96. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Now I just wanted to respond based on the testimony we heard in committee, and we heard all those arguments and we also heard from experts who deal with this every day who and from medical world, physicians who said that there is no evidence whatsoever that any of those deaths had to do with Hep B, it's like saying it could have been, they died from the fact that they had a physical examination at that age because it's part of the routine at certain ages. So there's no evidence of that. I understand the concern but there's no evidence of that. They also said the only babies that are required to have it at birth and not even required, no babies are required to have it at birth, but the ones that for whom it's recommended are those who have a mother who has Hep B, and then the likelihood that the baby has Hep B is very high and the baby is surprisingly likely to get some pretty significant organ dysfunction as well as cancer. So I did, I think the language in what you read says something like they may get it at blah blah blah, but it doesn't say they are required to get it then and if it does it's misinformation because that's not what's happening and we heard from the horse's mouth that that's not what's happening. And that in fact it is a childhood disease, there are children who carry it. Unfortunately, there are also and I brought this up although I hate to bring it up again, we would like to think it doesn't happen, but there we hear all too often of

children being abused in school and day care centers so that's another way they could get it. They can get it, though these doctors said it can even be airborne. So if a child sneezes and has Hep B or has been exposed may just be a carrier of Hep B, another child can get it, the teacher can get it, it's a very infectious and dangerous disease. And very low risk immunization. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: What else is new, right? That was quite a sigh he just had. So to my friend from Milford, I agreed with you on one, disagreed with you on the other, on this bill I find myself riding the rail and hope I don't get too many splinters. I share your concern about a requirement to vaccinate a baby at birth for Hepatitis B or in fact any other vaccines. In full disclosure, I have four kids that were vaccinated before they got to school, not right at birth and I feel that's appropriate and it is what's allowed under New Hampshire regulations. So I have a letter which I'll give you a copy of from the Health and Human Services Department signed by Elizabeth Daly, the Chief of the Bureau of Infectious Disease Control as well as Lisa Morris the Director of that division. And they say in it that the department has stated that Hepatitis B immunization is not required at birth according to the letter. Now what is recommended by the CDC is vaccination at birth, but under New Hampshire law and rule what is required as they go further down in this letter, parents may choose to initiate the Hepatitis B vaccine series at any time as long as it's completed before age three if enrolled in child care or prior to kindergarten if enrolled in school. The reason I belabor this point and standing up here to read this is because it will go into the permanent record. So that the folks I think that you're trying to represent should take this letter as what the status of the rule and the law is that whether you probably think we shouldn't have Hepatitis B required for parents and I appreciate that, what I want to convey to you is that through the efforts of the committee, we clarified what a lot of the folks that reached out to you and wanted you to sponsor the bill, that they don't have to vaccinate at birth, despite the fact that it's a CDC recommendation. Thank you, Mister President.

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

SENATOR FULLER CLARK: Thank you for taking my question Senator Bradley. Would you be able to speak more fully about what it was heard with the children are not susceptible to exposure, and that it's an adult problem, and yet in actuality the reason that we apparently have such a low number of small children with Hepatitis B is because of the vaccination, but I wondered if you could speak to the issue of how it's transferred to young children because that seems to be where there is an argument?

SENATOR BRADLEY: To my friend from Portsmouth, I actually agree with our friend from Milford that the likelihood of Hepatitis B being transferred in virtually all circumstances in New Hampshire to youngsters is pretty small. That being said we did hear testimony from Doctor Chan, of the department as well as Doctor Knirk who is our colleague now in the House of Representatives. Doctor Knirk is in my District so I've known him, he's a retired surgeon, and he testified that Hepatitis is a communicable disease in children from birth on, that Hepatitis lives on an open surface for seven days and the disease can be spread from shared items such as a toothbrush or of a drinking glass. So while I agree with

our friend that the likelihood of transfer of Hepatitis B is very remote in New Hampshire, based on the medical testimony it's possible. So what I wanted to do and I think what those of us who voted ITL wanted to do is to make sure that our friend from Milford's constituents were very concerned that it's mandated at birth, that we clarify that and I hope that that letter clarifies it for you and if it doesn't, and you feel that we need further clarification, I'm willing to work to make sure that that is the case in the future.

SENATOR FULLER CLARK: Is there not a risk for mothers who have Hepatitis B or HIV transferring it to a baby at the time of birth?

SENATOR BRADLEY: You got me, Senator. I'm not a doctor. I know your husband's a doctor he probably can answer that question better than I. I need to look at the hearing report to be able to answer it and I just can't. You could be right but I can't be sure.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I just want to make it clear that given the fact that we are looking at a drug epidemic in the state and we did hear that one of the ways that is transferred to newborns is through the birth process, and so that is a critical time, but again you're not required to have it a birth, it is recommended that you have it at birth because of that risk. Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President for allowing me to speak a second time. I do want to confirm that the letter that Senator Bradley gave me says that there is no requirements for Hepatitis B vaccine at birth, dose in New Hampshire, but the state's own website where the people go to get their information it says and I quote, "Immunization minimum dose requirements for child care. Hep B, Hepatitis B vaccine three doses given at birth, ages one to two months, six to eighteen months." So regardless of what way it is, we've got a real problem when our own department can't even decide. They put out a letter saying that there's no requirements and at the same time they've gone on the website, something for the public that says that there is a requirement. So I would still ask that you vote down the motion so we can bring forward an alternate motion. Thank you, Mister President.

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

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

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

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

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

SB 545-FN, increasing the age for sales and possession of tobacco products. Ought to Pass, Vote 3-2. Senator Hennessey for the committee.

Senator Gray moved to Lay on the Table SB 545-FN. Adopted.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

COMMERCE

SB 353-FN, relative to direct shippers of alcohol.

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

Senator Bradley moved to Lay on the Table SB 353-FN. Adopted.

EDUCATION

SB 357, relative to safe school zones.

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

Senate Education

January 30, 2018

2018-0369s

06/01

Amendment to SB 357

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

AN ACT relative to safe school zones and relative to syringe service programs.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Syringe Service Programs in Drug-Free School Zones Prohibited; Exceptions. Amend RSA 318-B:45 to read as follows:

318-B:45 Syringe Service Programs in Drug-Free School Zones Prohibited. No syringe service program shall be located within a drug-free school zone as defined in RSA 193-B:1, II. ***Exceptions to this prohibition may be granted by the applicable school district superintendent when a request is initiated by a syringe service program administrator.***

2018-0369s

AMENDED ANALYSIS

This bill:

I. Requires school employees to report crimes that would prevent a person from being hired as a teacher.

II. Permits school district superintendents to grant certain exceptions to the prohibition on locating syringe service programs in a drug-free zone.

SENATOR GIUDA: Thank you, Mister President. At the request of the Department of Education this bill requires school employees to report crimes that would prevent a person from being hired as a teacher at the request of the New Hampshire Hospital Association, committee included in legislation a provision to allow school districts superintendent to have a syringe service program operating in school zones. And I would ask that you support the committee recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. (The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I asked that this be taken off the Consent Calendar for one reason. This last summer I was on the needle exchange commission and we talked a lot about needle exchange, places where they would be. There was no talk, no focus whatsoever on diabetes or anything other than drug abuse and I just think

it's ludicrous that someone can set up a needle exchange program with drug users in a drug-free school zone. That just does not make sense to me, so I would ask that you overturn the Ought to Pass so I can bring an Inexpedient motion. Thank you, Mister President.

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

SENATOR SANBORN: Senator Daniels, I'd ask that it be more appropriate to ask if we could divide the question?

SENATOR DANIELS: That'd be fine.

SENATOR SANBORN: Mister President, I apologize, I don't have it in front of me. I was asking the Senator if he would like to divide it of which we'd get the division numbers and pages down, or just a straight overturn.

SENATOR DANIELS: Mister President, is the question divisible?

Recess. Out of recess.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 357-FN to Thursday, February 22, 2018. Adopted.

SB 432-FN-L, relative to an elective course in SAT preparation. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I move Inexpedient to Legislate. This bill requires school boards to offer an elective course in SAT preparation in each high school throughout New Hampshire. Although this bill was well-intentioned to provide credits for students in taking a class that will further prepare them to take the SAT, the financial burden of this legislation will fall on the taxpayers. Further other options through which students can take the SAT preparation course. However I understand that there will be a subsequent, substitute motion offered here so I do ask that the body overturn the recommendation of ITL. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I rise in opposition to this ITL motion. I would ask that the body vote down the Inexpedient to Legislate motion so that I may offer a subsequent motion and a Floor Amendment that I think produces a great compromise and a study commission to the benefit of all the students of New Hampshire. Thank you.

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

Senator Gannon moved Ought to Pass.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

February 14, 2018

2018-0649s

06/05

Floor Amendment to SB 432-FN-LOCAL

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

AN ACT 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.

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

1 New Section; Commission Established. Amend RSA 186 by inserting after section 11-e the following new section:

186:11-f Commission Established; SAT Preparation Course.

I. There is established 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.

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

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

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

(c) One member of the New Hampshire School Boards Association, appointed by the association.

(d) One member of the New Hampshire School Administrators Association, appointed by the association.

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

IV. The commission shall study:

(a) SAT results for students taking various SAT preparation courses offered in the state compared to the results of students taking online SAT preparation courses, or no course.

(b) The costs of offering SAT preparation courses.

(c) Whether offering a course for credit benefits students.

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

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

2 Repeal. RSA 186:11-f, relative to commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective, is repealed.

3 Effective Date.

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

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

2018-0649s

AMENDED ANALYSIS

This bill establishes 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.

SENATOR GANNON: Thank you, Mister President. I would like to offer the Floor Amendment that's being handed out. The amendment is an excellent compromise to an important piece of legislation. The amendment would establish a commission to study school boards offering an elective course in SAT preparation at each high school. The commission would involve important members of the education arena including the New Hampshire School Board Association, the New Hampshire School Administrators Association and only one Senator, I might add. And what it would study whether it is in the best interest to students to apply or

to offer and SAT prep as an elective during the day. Schools such as in Groveton, District 1, nothing. They don't offer any SAT course. You're not on a level playing field; you're not going to be able to compete. Sorry, Martha, Senator, you're also in such a district. Winnacunnet has no SAT prep. I want everyone to have the same footing as Senator Watters in Dover, Senator Ward in Hillsborough, and in 3 Senator Bradley in Milton. I met with the Milton principal, she told me it costs her nothing, she takes a teacher who's free doing a study period, all her teachers she said were able to offer SAT preps. So it's a no cost added thing I believe but we need to study it further and again I want the students in all of our communities to be on as level a playing field as possible. Thank you, Mister President.

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

SENATOR CARSON: Thank you for taking my question. Since you're creating the commission with one Senator are you offering to serve on the commission?

SENATOR GANNON: I certainly would, Ma'am, yes.

SENATOR CARSON: Okay I want to get you on the record on that one, Senator. Thank you.

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

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

HEALTH AND HUMAN SERVICES

SB 474, establishing a committee to study group home rate parity. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much. We know that there are group homes where it costs more and the wage scales a different from one group home to another and I would ask you to agree with the committee to move this study forward.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
February 13, 2018
2018-0600s
01/03

Floor Amendment to SB 474

Amend paragraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

SENATOR BRADLEY: Thank you very much, I apologize to the body for missing the fact that we had two Senators on this study committee and so if you will adopt my Floor Amendment which is 0600 I would be most grateful.

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.

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 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I respectfully ask that we vote no on the recommendation of nonconcurrency to concur. This went through a long process in the House, passed ED&A, went to House Finance, they retained it, they worked on it they came to a unanimous vote in House Finance working with Commissioner Arlinghaus who supports this bill. It's not a mandate it sets up metrics and makes good sense and I thank the House Finance Committee for all its work and I think we ought to move it forward and simply concur. So I would move that we vote no to non-concur so that we can concur. Thank you, Mister President.

Senator Reagan moved Nonconcurrency. Failed.

Senator Feltes moved Concurrence. Adopted.

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 Carson: SB 215-FN, SB 436

Senator French: SB 504-FN

Senator Kahn: SB 215-FN

Senator Sanborn: CACR 21, HB 561-FN, SB 310-FN, SB 311, SB 215-FN, SB 316, SB 320, SB 327, SB 329, SB 332, SB 352-FN, SB 353-FN, SB 357, SB 359, SB 362, SB 363, SB 364, SB 366, SB 374, SB 379, SB 381, SB 390-FN, SB 394, SB 414-FN, SB 415, SB 416, SB 417, SB 419, SB 429-FN, SB 431, SB 432-FN-L, SB 433, SB 434, SB 435, SB 436, SB 437, SB 439, SB 440-FN, SB 441, SB 442, SB 450-FN-A, SB 456, SB 470-FN, SB 473, SB 474, SB 476, SB 481, SB 483, SB 486, SB 489, SB 503, SB 504-FN, SB 505, SB 508, SB 509, SB 510, SB 513, SB 529-FN, SB 531-FN, SB 533-FN, SB 534-FN, SB 535-FN, SB 536-FN, SB 538-FN, SB 542-FN, SB 545-FN, SB 550-FN, SB 552-FN, SB 554-FN, SB 570-FN, SB 573-FN-A, SB 578-FN, SB 579-FN, SB 580

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you; personal privilege. Last week in the debate about Senate Bill 492 I mistakenly indicated that a gun manufacturer, SIG Sauer, had a position on Senate Bill 492. I'd like to read a letter from Dave Cuzzie, who is their government affairs representative.

Senator Bradley: SIG Sauer has no position on Senate Bill 492, relative to the banning of bump stocks. On behalf of the company I respectfully request you correct the record from the Senate Session on February 1, 2018 during which it was stated that a company employee provided testimony in his professional capacity in opposition to the bill. SIG Sauer has never taken a position on Senate Bill 492 and has had, and will not have, any involvement of any kind in any aspect of any activity pertinent to the bill. The company was unaware an employee was testifying in his personal capacity on this bill. Neither the employee nor any other party mentioned the company in written or oral testimony, and the employee made clear, in all forms of his testimony, that he was testifying in his personal capacity. Thank you for ensuring the Senate record accurately reflects that SIG Sauer has no position of any kind on Senate Bill 492. I appreciate your attention to this request.

That's signed by Dave Cuzzie. I apologize. I think you can see where my confusion came from when I testified. Thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you. I rise for personal privilege. I would like to add to the remarks about my predecessor, Senator Cataldo, and, also another Senator who has passed away since.

Senator Cataldo was my friend. Senator Cataldo and I really got to know each other at the Strafford County Republican meetings, and when Cheryl decided that it was time that Senator Cataldo do something else, he helped me tremendously to get to where I am today, to the election. One of the things that we did is at the Rochester Fair. We had a booth there and Sam and I spent many hours together. And every time that he would introduce himself, and that he was running for executive council, he would always say vote for Sam. Well, there was another booth just down from where we were that was doing embroidery, and the red hat that you saw on Sam's casket, if you went to the wake, was one of the ones he ordered that day. And when he got the hat, he looked at me and said don't tell Cheryl. So, I didn't know how he was going to do that when he got home. But one thing about Sam is we've all got wonderful stories, whether you were first or last in line there were still plenty of stories to tell about Sam.

In addition to that, we also lost another Senator from District 6, and that's Lou Bergeron. The Bergeron family, if you've lived in Rochester, you know, back a 'ways, certainly he was one of ten children, and that even one of his sisters, Ann, was married to another Senator, Senator Torr. So, it's a long-standing tradition between the Bergeron's and a few of the other families that if you lived in Rochester you knew the Bergeron's. Great Senator, great insurance commissioner, he sadly missed. He was living down in Florida at the time; was suffering from dementia, and there will be a service later in the spring, from what I'm told, but arrangements for that have not been made. So, it is a heavy heart, we've actually lost two Senators from District 6, and thank you for your attention.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President; a point of personal privilege. To date, in the United States of America, we have had 18 school shootings. Eighteen school shootings. Yesterday I was driving to the hockey rink to see my grandson play and I heard on NPR about the shooting in Florida. Seventeen people were shot down, 14 other people were injured. An assault weapon was used; an individual who had mental illness used that weapon, he acquired that weapon, and he killed 17 people. Seventeen mothers and fathers won't have a kid to come home to. They won't have a child. As I said to you, I embrace my children, I embrace my grandchildren, and I want to cry to think that 18 times this year someone has killed children in a school setting. When are we going to wake up? And when are we going to have background checks for everybody? This is so disheartening to me. I heard a child speak this morning who was there who hid in the closet. That child was in fear for her life and there is somebody with an automatic weapon just killing people at random and then he leaves the school gets in with the group and carries out this terrible carnage.

Eighteen times, 18 times this has happened! We are the only place in the world where this happens, the only place in the world and it happens too often. You know I talked to my wife this morning about this and I said, geez, I want to bring this up to my colleagues because I am heartbroken for the families; never mind the kids are dead. You can't bring a kid back. You spend your whole life thinking about your child and then you come home and that child is not there, killed by a random act of violence. We can't let that happen. We just can't let that happen. You know we thought the Connecticut incident was going to solve our problems. They killed little kids in Connecticut, little children. I am just heartbroken and I had to say this, it was on my mind all day. And I think guns are a problem. They are a problem. We've got to do something about it.

I'll end by saying in the Marine Corps I was taught to kill. I was taught to kill, and if the enemy came I was going to kill them. I was gung ho! I was gung ho when I was in the corps, with a clip with two rounds I was going to kill anybody that came my way. Different thought today. When I see what is going on around the country. So, my heart goes out to the families, to the mothers, and the fathers who came home last night without children. How about the families of the children that weren't identified? They weren't identified for a period of time. So you didn't know if your kid was dead or not. God, you would think can that happen in America? Can that happen in our society? I don't know. So, I am very depressed about that. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise to make comments of personal privilege. The 46th Annual Snowmobile Association's Easter Seals Ride-In occurred recently in Gorham. The snowmobile clubs competed with each other to raise funds for the Easter Seals Camp Sno-Mo, a camp for children with disabilities and special health care needs in Gilmanton Iron Works. This year 106 snowmobile clubs raised over \$105,000 which is used to send more than 100 special needs kids to summer camp. They raised 3.2 million since its inception in the 1970s. Nelly Roache is the chairperson. Her dedicated committee includes

Cheryl Spillane, Terry Callum, Jennifer Parker, Melissa Binette, Andrea Rojas-Graham. Easter Seals' child representative was six-year-old Elliot Perry, the son of B.J. and Carrie Perry. Mister President, the event is always inspiring and emotional; made so as I have visited at Camp Sno-Mo and witnessed the difference these camps make.

The event was a vivid reminder of the remarkable work of 106 volunteer snowmobile clubs do to build and maintain 7,000 miles of trails from Salem to Pittsburg, Conway to Lebanon. In fact, there are more snowmobile trails in the state of New Hampshire than highways. They are a sophisticated organization that rely almost entirely on the generosity of property owners who allow the trails to cross their property.

Not only do the trails encourage wholesome outdoor recreation activity, but they are also a major economic driver generating over \$580 million of economic activity annually. All of this is done with no general fund dollars since the entire system is self-funded through registration fees, membership dues, and some federal RTP grants funded through the federal gas tax on off-highway vehicles.

I want to recognize the state's Trails Bureau Chief, Chris Gamache, and his capable staff: Beth Palmer, President of the New Hampshire Snowmobile Association; and Dan Gould, the Executive Director.

The combination of the willing landowners, local clubs, dedicated volunteers, self-funding, along with some state coordination—it's a model we should always strive to emulate since it shows how great things get accomplished with little or no impact on taxpayers. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I had the privilege of flying aircraft for fifty years, and in my final ten I flew with my favorite route which was from Tokyo to Guam. We left at 11 o'clock at night with a full airplane, 300 people, and the quiet over the Pacific was only enhanced by the Southern Cross that shone through the front window of my cockpit. On that journey we passed over small Pacific islands, and that is the reason I rise to speak.

On February 19, 1945, United States Marines assaulted the beaches of a tiny Pacific island, four miles in width, and two miles wide, I'm sorry, length, 650 miles south of Tokyo. They faced an entrenched enemy 22,000 strong, committed to fight to the death because they knew that losing this island was the death knell for the Japanese Empire. The name of this island in Japanese is Iwo To. We know it today, and around the world, as Iwo Jima. In this amphibious assault, on what is considered the most heavily fortified objective in the history of warfare. The Japanese defenders suffered 21,844 killed and 216 captured. Marine's suffered 6,812 Marines killed or missing, and 19,217 wounded. Iwo Jima accounted for one-third of the total Marine Corp casualties in World War II. It was the only major battle in the Pacific in which U.S. casualties exceeded the total number of enemy killed. Progress in the fighting on that island averaged 400 yards a day using flame throwers, grenades, demolition charges, naval artillery. They were opposed, literally, at every step by an enemy who was committed to die rather than surrender. The capture of Iwo Jima enabled the United States to provide fighter escorts for B-29 Superfortresses attacking the Japanese homeland from the Marianas Islands: Guam, Tinian, and Saipan. Over 2,400 emergency landings took place on Iwo before the end of the war six months later. B-29s launched from Tinian, an island

in the Marianas, were escorted by fighters from Iwo Jima, bombed Hiroshima and Nagasaki saving over a million lives by precipitating the surrender of Imperial Japan.

During the two-month long battle for Iwo Jima, 27 U.S. military personnel were awarded the Medal of Honor for their actions. Of those 27, 22 were presented to Marines, and the others to United States Navy sailors, four of whom were Navy Hospital corpsmen. Iwo Jima accounted for over one-quarter of the 82 Medals of Honor awarded to Marines in the entirety of World War II. Inscribed on the Iwo Jima monument at Arlington National Cemetery are the following words: "Uncommon valor was a common virtue." And in the words of General James Jones, 32nd Commandant of the Marine Corps, "The valor and sacrifice of Marines and sailors who fought on Iwo Jima is today and forever the standard by which we judge what we are and what we might become."

Mister President, on this day, the last day we as a body assembled before the February 19th Anniversary of the assault on Iwo Jima, I ask the honorable members of the Senate to rise with me and offer one minute of silence as a very small tribute to the incredible heroism and bloody sacrifices of the Marines who fought.

Thank you, Mister President, and members of the Senate.

PRESIDENT MORSE: I wanted to take a minute to recognize our recent 40 Under 40 recipient, our Chief of Staff, Kristy Merrill. She has served with me in the Senate for much of her tenure, and while I'd like to think I've taught her everything, she gave credit to her parents for everything. So I guess I'm learning even more. Kristy has remained committed and thoughtful in everything she does, and it is clear she truly loves the state of New Hampshire and wants the very best for our state. She's an insightful leader who works very hard each and every day to make sure that wheels keep spinning in the Senate, which is no small task. It's been an honor to work alongside her, and I think of no one more deserving than Kristy to receive this honor. I hope you all join me in, now, congratulating her.

And last, but not least, several of you just—it is least—several of you just received a letter that you're now serving on Finance for one purpose, and that is health care. So, the Committee of Health that Senator Bradley chairs will now sit on Finance for the purpose of taking up a health care bill when the amendment's ready. It will be a bill being released as soon as Senator Bradley gets off the floor tonight, that he used as a placeholder that is not the bill that we've been working on for about two or three months now. So, that will come out tonight, and you can comment on it if you want, but that's not the bill we're going to be debating. As soon as we get the amendments ready and ready to be put out in public, we'll put them out. We'd like to do that as soon as possible. So, for everyone that's going to make a major commitment to hear this health care bill, thank you.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.

SB 311, clarifying rules of construction under the New Hampshire Trust Code.

SB 316, relative to the regulation of online auctions.

SB 320, relative to checklists used at elections.

SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.

SB 332, relative to medication synchronization.

SB 359, relative to notice to school districts of out-of-home placements.

SB 363, prohibiting political expenditures by foreign nationals.

SB 366, relative to members of the site evaluation committee.

SB 374, relative to adoption of emergency medical and trauma services protocols.

SB 379, relative to retroactive denials of previously paid claims.

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.

SB 415, relative to condominium unit owners' special meetings.

SB 416, relative to transportation network company drivers.

SB 417, relative to days of rest for employees of recreation camps and youth skill camps.

SB 429-FN, establishing a consumer services program within the insurance department.

SB 433, relative to the annual filing of statistical reports to the department of education.

SB 434, relative to school nurse certification.

SB 435, relative to alternative programs for granting credit leading to graduation.

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

SB 437, relative to the robotics education development program.

SB 441, relative to final grades in schools.

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

SB 456, relative to the appointment of the state medical director for emergency medical services.

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

SB 473, relative to employment contract restrictions upon health care providers.

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

SB 476, establishing a committee to study reinstituting the unemployed parent program.

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.

SB 483, relative to procedures for dispensing controlled drugs.

SB 486, establishing a commission to study enhancing the prescription drug donation program.

SB 489, establishing a committee to study parental alienation in New Hampshire.

SB 504-FN, relative to sales of tax-deeded property.

SB 505, requiring abutter notice of the construction of a crematory.

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

SB 510, relative to municipal notice of leases on tax-exempt property.

SB 513, establishing September as New Hampshire recovery month.

SB 531-FN, relative to the office of professional licensure and certification.

SB 534-FN, relative to the classification of certain state employee positions.

SB 536-FN, relative to eligibility for death benefits for court security officers.

SB 579-FN, relative to penalties for welfare fraud.

SB 580, relative to the creation of new class lines within the department of transportation and the department of health and human services, and amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 114, relative to minimum electric renewable portfolio standards.

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

HB 141, relative to electric renewable energy classes.

HB 193, relative to traffic control measures.

HB 388-FN, relative to special number plates for veterans.

HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

HB 1386, establishing a joint committee on employee relations.

HB 1581, relative to commencement of an administrative license suspension.

HCR 13, condemning hate crimes and any other form of racism in New Hampshire.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 33, relative to the definition of political advocacy organization.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 128-FN, relative to the policy goal of electric utility restructuring.

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 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

HB 114, relative to minimum electric renewable portfolio standards. (Energy and Natural Resources)

HB 124-FN, relative to certain aircraft registration fees and airways tolls. (Ways and Means)

HB 141, relative to electric renewable energy classes. (Energy and Natural Resources)

HB 193, relative to traffic control measures. (Transportation)

HB 388-FN, relative to special number plates for veterans. (Transportation)

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation. (Health and Human Services)

HB 1202-LOCAL, relative to town revolving funds for group net metering. (Energy and Natural Resources)

HB 1251, relative to indicia for payment of taxes on the transfer of real property. (Ways and Means)

HB 1256, relative to decal fees for multi-use veterans decal plates. (Transportation)

HB 1260, relative to the payout value of bingo games at private campgrounds and hotels. (Ways and Means)

HB 1276, adding an exemption for certain raffles conducted by charitable organizations. (Ways and Means)

HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr. (Transportation)

HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax. (Ways and Means)

HB 1322, relative to risk-based capital for health maintenance organizations. (Commerce)

HB 1332, allowing warrant articles to be split by the deliberative session. (Public and Municipal Affairs)

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

HB 1346, establishing a commission to study the New Hampshire veterans cemetery. (Public and Municipal Affairs)

HB 1349, relative to biological products and diagnostic reagents for animal use. (Energy and Natural Resources)

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility. (Judiciary)

HB 1364, relative to use of amber lights on vehicles. (Transportation)

HB 1370, relative to a school's emergency management plan. (Education)

HB 1386, establishing a joint committee on employee relations. (Executive Departments and Administration)

HB 1392, relative to tallies of votes on budget items or warrant articles. (Public and Municipal Affairs)

HB 1402, relative to ordinances regarding forestry activities. (Energy and Natural Resources)

HB 1407, repealing the prohibition on the use of milk containers. (Commerce)

HB 1455, relative to vehicle operation at uncontrolled intersections. (Transportation)

HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates. (Transportation)

HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates. (Transportation)

HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles. (Transportation)

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

HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates. (Transportation)

HB 1546-FN, authorizing Seacoast Youth Services to issue decals for multi-use decal plates. (Transportation)

HB 1551, relative to the retention of records of individualized education programs. (Education)

HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim. (Judiciary)

HB 1581, relative to commencement of an administrative license suspension. (Transportation)

HB 1614, relative to the international registration plan. (Transportation)

HB 1651, establishing a committee to study the use of liquid de-icers on roads. (Transportation)

HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate. (Rules and Enrolled Bills)

HB 1731-FN, relative to regulating bicycles. (Transportation)

HB 1739-FN, prohibiting female genital mutilation. (Judiciary)

HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws. (Health and Human Services)

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

18-2956

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program. (Bradley, Dist 3; Morse, Dist 22; S. Schmidt, Carr. 6; Umberger, Carr. 2; Danielson, Hills. 7; Kotowski, Merr. 24; Finance)