

18-2707

SB 593-FN, relative to the penalty for capital murder. (Avard, Dist 12; Daniels, Dist 11; Ward, Dist 8; Giuda, Dist 2; French, Dist 7; Woodburn, Dist 1; Watters, Dist 4; Fuller Clark, Dist 21; Feltes, Dist 15; Soucy, Dist 18; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; McGuire, Merr. 29; O'Leary, Hills. 13; Cushing, Rock. 21; Kotowski, Merr. 24; Souza, Hills. 43; Judiciary)

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 22, 2018

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

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

Dear God, today we bring the needs of our government before you and ask you to bless our state through these leaders. We pray for the members of the Senate to find peace and direction; for these men and women to act and lead according to wisdom and justice; a house divided against itself cannot stand. Therefore, we pray for them to be unified in righteousness for the sake of our state. We stand here today and remember that we stand on the shoulders of all the other men and women who served in government before us. Remember today the prayer of President George Washington, "that thou wilt find the hearts of its citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for fellow citizens of the United States of America at large; and finally that thou wilt most graciously be pleased to dispose all of us to do justice, to love mercy, and demean ourselves with charity, humility and pacific temper of mind." Remember today the words of Abraham Lincoln, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in." Be with us today as we work to continue the work of our great state of New Hampshire that serves to bring about good for all of our citizens. Amen.

Senator Hennessey led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Today we are honored to have the Manchester Central School's State Champions for the 2017 season. Congratulations! This team is led by Coach Peter Lally, who finished his 34th year as the head coach of the team. Congratulations! I have some interesting stats about this team: the regular season record of the team was 18 and 1; this team also came in and finished first in New England, and number six in the United States. Now all year there was only five goals scored on this team; that is impressive, as well. Through the playoffs they had to go through powerhouses in the state of New Hampshire. They beat Pinkerton Academy 2-0; they beat Con-

cord 1-0; and in the final against Bedford it was a 0-0 tie in regulation, they went to an overtime period of 0-0, then to a shoot-out just like the women's hockey team last night. So they won 1-0 in overtime, and I'm glad you're here, and congratulations!

I'd just like to read the resolutions that you'll all get:

NEW HAMPSHIRE STATE SENATE

A RESOLUTION, be it known that the New Hampshire Senate extends its congratulations to Manchester Central High School in recognition of winning the 2017 Division I State Girls Soccer Championship; and

Be it further known that the New Hampshire Senate extends its best wishes and continued success.

Senator Kevin Cavanaugh and, who couldn't be here today because he is sick, is Senator Lou D'Allesandro and he extends his congratulations. Thank you.

PETER LALLY: Thank you, Senator Cavanaugh and Senator Morse. The girls that are up here are perfect examples of a student athlete; they are the best of the best. They are fabulous kids, they are excellent students, and they are pretty good soccer players. As the years go by the age gap gets broader and broader, but there isn't anyone I'd rather spend time with than these girls that are up here. So, thank you for having us. I appreciate it.

PRESIDENT MORSE: Thank you girls. Congratulations! Thank you, Senator Cavanaugh.

INTRODUCTION OF PAGES

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I'm really pleased to, I think for the second time in my ten years here, have two Pages from Moultonborough Academy.

So, welcome Zoe Norton. Zoe is sixteen. She's in the tenth grade at Moultonborough Academy. Her favorite subject is biology. She is President of the student council, and plays soccer—so you have a great team to emulate—basketball, and lacrosse. In her future she plans to go to college somewhere in Boston, major in biology, with a goal to work in the medical field as an adult. Just like Senator Morse's daughter, so that's a great opportunity for you. Thank you very much for being here Zoe.

And our second Page is Jessica Bakas. So, she is also from Moultonborough Academy. She's fifteen and one-half years old, and she's in the tenth grade. Her extracurricular activities include competition dance, the Nordic ski team—and I just have to say, wasn't that the most exciting gold medal yesterday? So, there's your future—guitar lessons, key club, student council, and youth leadership club. Jessica plans to attend a prestigious college, and intern at the White House—we like that—and she also plans to become either an FBI or CIA agent involved in counter-terrorism, and then getting involved with the U.S. government. Her key goal in life is she wants to change the world. There're a lot of things that you can do. Welcome to the Senate.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

EDUCATION

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

ELECTION LAW AND INTERNAL AFFAIRS

SB 438, relative to the postponement of local elections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

FN REPORT FOR FEBRUARY 22, 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:**EDUCATION**

SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.

HEALTH AND HUMAN SERVICES

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

PUBLIC AND MUNICIPAL AFFAIRS

SB 514-FN, establishing a commission to create a New Hampshire recovery monument.

REGULAR CALENDAR:**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

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

JUDICIARY

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.

TRANSPORTATION

SB 520-FN, authorizing New Hampshire Food Bank to issue decals for multi-use decal plates.

SB 561-FN, relative to the installation of a traffic light or beacon.

SB 575-FN, relative to electric vehicle charging stations.

WAYS AND MEANS

SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.

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

REGULAR CALENDAR:**EDUCATION**

SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device—if Inexpedient to Legislate recommendation is overturned.

TRANSPORTATION

SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.

WAYS AND MEANS

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers—if Inexpedient to Legislate recommendation is overturned.

SB 404-FN-A, phasing out the tax on interest and dividends.

SB 408-FN, licensing historic racing.

SB 409-FN, relative to the taxation of moist snuff tobacco products—if Interim Study recommendation is overturned.

SB 565-FN, relative to aircraft registration fees and airways tolls.

SB 586-FN-A-L, relative to casino gambling—if Interim Study recommendation is overturned.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES

SB 484, by Senator Bradley

PUBLIC AND MUNICIPAL AFFAIRS

SB 512, by Senator Gray

CONSENT CALENDAR

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

COMMERCE

SB 424, relative to property and casualty insurance.

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

This bill makes certain changes in the laws relative to property and casualty insurance and was a request of the Insurance Department. The bill amends the Adjuster Licensing statute to clarify that fact-gatherers working for a licensed adjuster are exempted from the licensing requirement. It clarifies the Changes in Coverage statute to require that notice of any changes in coverage not requested by a policyholder be given at the time of renewal. The bill removes a requirement to report certain data to the department unless specifically requested. Lastly, the bill amends the statute regulating cancellation notices issued by commercial carriers to clarify that they are required to provide a 10-day notice only if that notice is being issued within 60 days of the policy's effective date.

EDUCATION

SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill requires the university system of New Hampshire and the community college system of New Hampshire to develop head injury policies for student-athletes. The Committee Amendment to the legislation eliminates the need for a fiscal note attached to this bill. This bill makes sure that students and coaches are aware of concussion risks and offers appropriate definitions, similar to what is already in statute for school sports. The bill also requires that guideline procedures and forms are developed by looking to the appropriate governing bodies for each group. Finally, this legislation ensures limitations from liability if proper procedures are followed.

Senate Education
February 13, 2018
2018-0592s
04/05

Amendment to SB 524-FN

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

1 New Subdivision; University System of New Hampshire; Head Injury Policies for Student-Athletes. Amend RSA 187-A by inserting after section 42 the following new subdivision:

Head Injury Policies for Student-Athletes

187-A:43 Definitions. As used in this subdivision:

I. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

II. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

III. "Institution property" means all real property, physical plant, and equipment used for institution purposes.

IV. "Student-athlete" means a student of the university system of New Hampshire who is involved in the institution's varsity athletic teams.

187-A:44 Head Injury Policies for Student-Athletes.

I. The athletic department of each institution in the university system of New Hampshire shall have guidelines, procedures, and other pertinent information and forms, developed in accordance with the National Collegiate Athletic Association or other national authority governing the institution's sports programs, to govern procedures for evaluation and treatment of concussion and head injury, including return to play and continuing evaluation, and to inform coaches and student-athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury, and of chronic traumatic encephalopathy and other brain pathologies. On an annual basis, the athletic department of each institution shall distribute a concussion and head injury information sheet to all student-athletes.

II. At the beginning of a student-athlete's participation in a collision or contact sport, or a sport that requires the use of a helmet or the use of the head in contact with a ball, the institution shall provide the opportunity for neurocognitive testing.

187-A:45 Removal of a Student-Athlete.

I. An employee coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall follow the institutional policy and procedures for removal from play and practice.

II. Upon the removal of a student athlete from play or practice, a licensed athletic trainer or health care provider shall follow the institutional policy and procedures for evaluation, treatment, and return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

187-A:46 Further Dissemination of Concussion and Head Injury Information. The appropriate department of each institution in the university system of New Hampshire shall develop a centralized resource related

to the nature, risk, and treatment of concussion and head injury for reference by students participating in non-varsity athletics sponsored and supervised by campus recreation or similar departments.

187-A:47 Limitation of Liability. An employee of a university system of New Hampshire institution, or volunteer or employee of a company under contract to such institution, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete or a participant in any non-varsity athletics sponsored and supervised by campus recreation or similar departments, provided the action or inaction was in compliance with this subdivision and the institution's policies relative to the management of concussions and head injuries. The institutions may provide concussion guidelines to other organizations sponsoring athletic activities on institution property, however the institution shall not be required to enforce compliance with such guidelines.

2 New Subdivision; Community College System of New Hampshire; Head Injury Policies for Student-Athletes. Amend RSA 188-F by inserting after section 67 the following new subdivision:

Head Injury Policies for Student-Athletes

188-F:68 Definitions. As used in this subdivision:

I. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

II. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

III. "Institution property" means all real property, physical plant, and equipment used for institution purposes.

IV. "Student-athlete" means a student of the community college system of New Hampshire who is involved in the institution's varsity athletic teams.

188-F:69 Head Injury Policies for Student-Athletes.

I. The athletic department of each institution in the community college system of New Hampshire shall have guidelines, procedures, and other pertinent information and forms, developed in accordance with the National Collegiate Athletic Association or other national authority governing the institution's sports programs, to govern procedures for evaluation and treatment of concussion and head injury, including return to play and continuing evaluation, and to inform coaches and student-athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury, and of chronic traumatic encephalopathy and other brain pathologies. On an annual basis, the athletic department of each institution shall distribute a concussion and head injury information sheet to all student-athletes.

II. At the beginning of a student-athlete's participation in a collision or contact sport, or a sport that requires the use of a helmet or the use of the head in contact with a ball, the institution shall provide the opportunity for neurocognitive testing.

188-F:70 Removal of a Student-Athlete.

I. An employee coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall follow the institutional policy and procedures for removal from play and practice.

II. Upon the removal of a student athlete from play or practice, a licensed athletic trainer or health care provider shall follow the institutional policy and procedures for evaluation, treatment, and return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

188-F:71 Further Dissemination of Concussion and Head Injury Information. The appropriate department of each institution in the community college system of New Hampshire shall develop a centralized resource related to the nature, risk, and treatment of concussion and head injury for reference by students participating in non-varsity athletics sponsored and supervised by campus recreation or similar departments.

188-F:72 Limitation of Liability. An employee of a community college system of New Hampshire institution, or volunteer or employee of a company under contract to such institution, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete or a participant in any non-varsity athletics sponsored and supervised by campus recreation or similar departments, provided the action or inaction was in compliance with this subdivision and the institution's policies relative to the management of concussions and head injuries. The institutions may provide concussion guidelines to other organizations sponsoring athletic activities on institution property, however the institution shall not be required to enforce compliance with such guidelines.

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

ENERGY AND NATURAL RESOURCES

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.

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

This bill establishes an exemption for the Department of Transportation from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. This bill is a request of the Department of Transportation. The amendment clarifies that the commissioner of Department of Environmental Services may enter into a memorandum of agreement with the commissioner of Department of Transportation, providing that the Department of Transportation has incorporated appropriate protective practices in its projects that are equivalent to the requirements set by the Department of Environmental Services.

Energy and Natural Resources

February 14, 2018

2018-0656s

08/06

Amendment to SB 368

Amend RSA 483-B:5-b, IX as inserted by section 1 of the bill by replacing it with the following:

IX. The commissioner of the department of environmental services may enter into a memorandum of agreement with the commissioner of the department of transportation for the construction of new roads, and the maintenance of existing roads, not covered by paragraph VII, provided that the department of transportation has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the department of environmental services under this chapter.

HEALTH AND HUMAN SERVICES

SB 479, relative to the oversight commission on children's services.

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

This bill would change the reporting requirements for the newly created Office of the Child Advocate. The changes would require the office to file its annual report with the children's services oversight committee that is tasked with monitoring children's services in the state. The amendment makes the Committee to review Child Abuse Fatalities a permanent committee. This committee has been instrumental in pushing many of the reforms at DCYF and it is important that they are able to continue to do their work.

Health and Human Services

February 14, 2018

2018-0661s

05/04

Amendment to SB 479

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

AN ACT relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

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

3 Commission to Review Child Abuse Fatalities; Reporting Requirement. RSA 169-C:39-k, V is repealed and reenacted to read as follows:

V. On or before November 1, 2018, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

4 Repeal. The following are repealed:

I. RSA 170-G:19, V, relative to the reporting requirement of the commission on children's services.

II. 2015; 127:5, relative to the prospective repeal of the commission to review child abuse fatalities.

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

2018-0661s

AMENDED ANALYSIS

This bill:

I. Requires the office of the child advocate to submit its annual report to the oversight commission on children's services, clarifies the duties of the commission, and repeals the commission's reporting requirement.

II. Makes the commission to review child abuse fatalities permanent and establishes an annual reporting requirement.

SB 480, limiting the use of electroconvulsive therapy.

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

This bill would have created a prohibition on Electroconvulsive therapy (ECT) for minors under 16 years of age and it would have limited its use in other circumstances as well. After more review and study of testimony the committee determined that ECT is a therapy that often has a lot of success in treating patients with severe mental

health diseases. The committee was satisfied that there are enough safeguards in place to protect patients making this bill no longer necessary.

SB 485, establishing a committee to study the relationship between concierge medicine and the Affordable Care Act.

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

This bill established a commission to study the relationship between concierge medicine and the Affordable Care Act. In times of turbulent and rising healthcare costs it is important to make sure that consumers are informed of what services are available to them. Concierge services are become more popular and it is important to know how they fit in New Hampshire and Federal Insurance law.

Health and Human Services

February 15, 2018

2018-0664s

01/04

Amendment to SB 485

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

AN ACT establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.

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

I. The committee's study shall include, but not be limited to, studying the issue of concierge medicine and whether it is permitted under New Hampshire and federal health insurance law. The committee shall also examine whether the costs of concierge medicine may be applied to the deductible required under New Hampshire and federal health insurance law.

2018-0664s

AMENDED ANALYSIS

This bill establishes a committee to study concierge medicine in relation to New Hampshire and federal health insurance law.

SB 547, relative to unused prescription drugs.

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

This bill would have required that all towns create a place for residents to dispose of unused prescription drugs. The committee received information that the number of towns voluntarily providing this service is rapidly increasing and that requiring this of municipalities could be considered an unfunded mandate. The committee also received information about other very cost effective methods of safe disposal of unused medications that would not place a large financial burden on the towns.

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

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

This bill would prohibit pharmacy benefit managers from requiring accreditation of providers. This is currently in the law with a sunset of this summer. This bill extends the sunset for another two years to hopefully allow time for all of the parties to reach a compromise. This bill is a compromise of the PBM industry and the NH Independent Pharmacies.

Health and Human Services

February 14, 2018

2018-0653s

01/03

Amendment to SB 591-FN

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

1 New Subparagraph; Managed Care Law; Provider Contracts; Pharmacy Benefit Managers. Amend RSA 420-J:8, XV by inserting after subparagraph (c) the following new subparagraph:

(d) A pharmacy benefit manager shall not require accreditation of providers other than requirements set forth by the New Hampshire pharmacy board or other state or federal entity.

2 Repeal. RSA 420-J:8, XV(d), relative to prohibiting pharmacy benefit managers to require providers to obtain certain accreditation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2020.

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

2018-0653s

AMENDED ANALYSIS

This bill prohibits certain practices of pharmacy benefit managers except under certain circumstances until June 30, 2020.

JUDICIARY

SB 389, relative to administrative fees on restitution.

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

This bill provides that defendants shall only pay an administrative fee on a restitution payment when that payment is collected by the Department of Corrections, Division of Field Services. When restitution is paid almost immediately at the court without any processing efforts by the Department of Corrections there is no need for a processing fee to be assessed. Currently, the Supreme Court has been waiving this fee in these scenarios, and the bill will simply codify this appropriate practice.

SB 493, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols.

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

This bill establishes a committee to study whether or not to codify in statute the Exculpatory Evidence Schedule (EES), formerly known as the "Laurie list," and the related law enforcement protocols established by the Attorney General in a law enforcement memoran-

dum dated March 21, 2017. The establishment of this committee will allow House and Senate members the opportunity to come together and find common ground on this important issue.

SB 494, relative to access to child abuse or neglect information by certain legislative committees.

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

This bill would permit the Senate and House Judiciary Committees to review the confidential records of child protection cases and would permit any party or attorney to an abuse or neglect case to testify before the Legislature regarding the case. Although this is a very well written piece of legislation, the Committee believes that due to the recent creation of the Office of Child Advocate and the fact that individuals already have the ability to share their confidential records with legislators that it is not appropriate for this legislation to move forward at this time.

SB 495, relative to certain court orders in a divorce/custody matter.

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

This bill would limit the court's authority to order that a child be vaccinated over the objection of one of the parents. The Committee found that this issue should continue to be handled by the courts and therefore, believes this legislation should not move forward.

PUBLIC AND MUNICIPAL AFFAIRS

SB 341, allowing municipalities to adopt a property tax exemption for certain disabled veterans.

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

This bill as amended raises the optional property tax credit for certain totally and permanently disabled veterans from a maximum of \$2,000 to a maximum of \$4,000.

Public and Municipal Affairs

February 9, 2018

2018-0646s

05/10

Amendment to SB 341

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

AN ACT relative to the veterans' property tax credit for service-connected disability.

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

1 Tax Credit for Service-Connected Total Disability. Amend RSA 72:35, I-a to read as follows:

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to [~~\$2,000~~] **\$4,000**. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

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

2018-0646s

AMENDED ANALYSIS

This bill increases the maximum property tax credit for service-connected total disability from \$2000 to \$4000.

SB 514-FN, establishing a commission to create a New Hampshire recovery monument.

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

This bill as amended establishes a commission to create a New Hampshire recovery memorial. This commission will oversee the location, design, construction, maintenance, and task of raising funds for the memorial.

Public and Municipal Affairs

February 14, 2018

2018-0660s

08/10

Amendment to SB 514-FN

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

AN ACT establishing a commission to create a New Hampshire recovery memorial.

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

1 New Subdivision; New Hampshire Recovery Memorial Commission. Amend RSA 4 by inserting after section 9-m the following new subdivision:

New Hampshire Recovery Memorial Commission

4:9-n Commission Established; Special Account.

I. A commission is established to oversee the location, design, construction, and maintenance of a New Hampshire recovery memorial and to privately raise and expend all the funds necessary for its construction and maintenance. The governor is authorized to accept for the commission, in the name of the state, the gifts of money, which are donated to construct and maintain the memorial. Notwithstanding any other provision of law, the commission may accept donated in-kind services, goods, and materials for the construction and maintenance of the memorial without governor and council approval.

II. The gifts of money, which are donated to contract, construct, and maintain the memorial, shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the New Hampshire recovery memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, additions to the memorial. Any funds left in the special account after annual care, maintenance, and repair of the memorial shall be deposited in the alcohol abuse prevention treatment fund under RSA 176-A:1. Notwithstanding any other provision of law, the commission may expend the money raised or accepted as a gift without the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.

III. The commission shall remain in existence upon the completion of the memorial for the purpose of overseeing maintenance and approving any change to the memorial, as well as approving memorial activities, celebrations, and commemorations associated with recovery and deemed appropriate for occurrence at the memorial site, as permitted by the municipal rules where the memorial is located.

4:9-o Commission Membership and Duties. The members of the commission established in RSA 4:9-n shall be as follows:

- (a) One senator, appointed by the president of the senate.
- (b) Two representatives, appointed by the speaker of the house of representatives.
- (c) Two directors of recovery organizations, appointed by the governor.
- (d) Two persons in recovery, appointed by the governor.
- (e) Two family members of persons lost to substance use disorder, appointed by the governor.
- (f) The chairperson of the recovery task force of the governor's commission on alcohol and drug abuse, prevention, treatment, and recovery, or designee.
- (g) The president of New Futures, or designee.
- (h) The director of National Alliance for Mental Illness, New Hampshire (NAMI-NH), or designee.
- (i) The commissioner of the department of health and human services, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate while attending to the duties of the commission. The members of the commission shall elect a chairperson from among the members. The first named house member shall call the first meeting of the commission. Seven members of the commission shall constitute a quorum.

III. The commission shall select the location and design for the New Hampshire recovery memorial and oversee the construction and maintenance of the memorial.

IV. The commission shall privately raise all the money necessary for the planning, design, construction, and maintenance of the New Hampshire recovery memorial.

2 New Subparagraph; New Hampshire Recovery Memorial Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 339 the following new subparagraph:

(340) Moneys deposited into the New Hampshire recovery memorial special account established in RSA 4:9-n.

3 Effective Date. This act shall take effect 60 days after its passage.
2018-0660s

AMENDED ANALYSIS

This bill establishes a commission to create a New Hampshire recovery memorial.

TRANSPORTATION

SB 398, relative to information contained in certain motor vehicle records. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill allows access to records of motor vehicle accidents by authorized legal representatives. Last session, this statute was amended extensively to guarantee that certain individuals were able to get information from police departments concerning accidents. After learning that some local police departments did not interpret the statute the way that it was intended, this legislation seeks to further clarify this language.

SB 515, relative to commemorative license plates.

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

This bill adds the sestercentennial, the celebration of 250 years, to the town and city anniversaries eligible for commemorate license plates.

SB 518, relative to agency reports of real property owned or leased by the department.

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

At the request of the Department of Transportation, this bill exempts the DOT from the requirement to make a report identifying all real property owned or leased by the agency. The Department has their own database where it monitors these properties already. Because of this, they believe that these reports are a duplication of efforts.

SB 519, relative to the purchase of property for the construction of roads. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill permits the commissioner of transportation to purchase land if a commission determines that there is occasion for laying out of a highway. The committee amended the bill to add the governor to those who may determine that there is occasion for the laying out of a highway. This legislation serves as an important clarification to a bill that contained vague language last session.

Senate Transportation
February 14, 2018
2018-0625s
06/10

Amendment to SB 519

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Layout of State Highways. Amend the introductory paragraph of RSA 230:13, II to read as follows:

II. The ~~[commission]~~ **commissioner** may acquire ~~[such]~~ **private or public property and property rights** as ~~[it]~~ **he or she** determines reasonably necessary to:

3 Limited Access Highways; Occasion for Layout. Amend RSA 230:45 to read as follows:

230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the governor's own motion or a special committee of 3 persons appointed by the governor and council for the purpose, may determine, upon hearing, whether there is occasion for the laying out or alteration of a limited access facility including service roads as proposed by the commissioner of transportation; and, if so, the commissioner may purchase land or other property as proposed and shall lay out the remainder of such facility, service roads, or alteration thereof. The ~~[commission appointed by the governor and council to lay out any limited access facility]~~ **commissioner** may acquire private or public property and property rights for such facility and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for acquiring property for class I highways. Property rights acquired under the provisions of this section may be in fee simple or in the form of easements, including property acquired by condemnation proceedings. The commissioner, in his or her discretion, may acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best served even though the entire lot, block, or tract is not immediately needed for the right-of-way proper. The commissioner of transportation, with the approval of the governor and council, may sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

2018-0625s

AMENDED ANALYSIS

This bill permits the commissioner of transportation to purchase land if the governor or a commission determines that there is occasion for the laying out of a highway.

This bill is a request of the department of transportation.

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

Senators Carson and D'Allesandro are excused for the day.

REGULAR CALENDAR

COMMERCE

SB 425, relative to limited liability companies.

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

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on Senate Bill 425. The legislature undertook a rewrite of the limited liability company statutes a few years ago, and we have made incremental improvements to that act over time. This bill represents the latest change. With an LLC you have current members, and you may have former members as well as transferees. When you have a membership you have complete and total rights. If you leave the LLC, you may still have an LLC interest or the right to allocation of profits and losses. Section IV of the original legislation states that former members and transferees are entitled to fiduciary rights against the LLC. That was intended to provide protection to people who had that right by reason of the death of an LLC member, such as a spouse. This gives them the right to income, but not the right to share in management. However, the original wording took it too far. It gives actual fiduciary rights to people who never had a contract in the first place. Under the current law, a former member who got kicked out could really tie up the company and keep it from functioning, which is the reason for the elimination of this section. A second change clarifies that when you have a merger of LLCs it can be with what we call a foreign LLC. In this case a foreign LLC is an LLC that is not incorporated within the state of New Hampshire. So, a foreign LLC could be a Vermont LLC, for example. Please join the Senate Commerce Committee in voting Senate Bill 425 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.

EDUCATION

SB 357, relative to safe school zones and relative to syringe service programs.

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

Recess. Out of recess.

Senator Giuda moved Rerefer.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I believe there is nothing that we do in this body, nothing that's more important than protecting our children from violence.

PRESIDENT MORSE: Senator, we're speaking to the recommit motion.

SENATOR HENNESSEY: Yes.

PRESIDENT MORSE: To the recommit motion.

SENATOR HENNESSEY: Correct.

PRESIDENT MORSE: Okay.

SENATOR HENNESSEY: I believe that not one child in New Hampshire should be afraid to go to school, and that not one parent should fear for their child's safety when they're dropped off.

PRESIDENT MORSE: The member's out of order. We're speaking to the Rerefer motion, Senator. Do you support the Rerefer motion or do you not support the Rerefer motion?

SENATOR HENNESSEY: I was going to get to that. Would you like me to say it first?

PRESIDENT MORSE: Do you support the Rerefer motion or do you not support the Rerefer motion?

SENATOR HENNESSEY: I am reluctantly supporting the recommit, but I would like to explain why.

PRESIDENT MORSE: Senator, we're not having a debate on the amendment. The amendment's an important piece of legislation, but I thought your question of the Chair was going to be are we going to take this amendment up that you're introducing in Education. The Education Chair has indicated yes, if that was your question.

SENATOR HENNESSEY: No, my understanding was that I was allowed to speak on this issue right now.

PRESIDENT MORSE: No, you're allowed to speak on Rerefer.

SENATOR HENNESSEY: That's what I thought I was speaking on. I was speaking about why it's important, an important issue, and why I am reluctantly Rereferring.

Recess. Out of recess.

The question is on the motion of Rerefer to Committee.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I would like to apologize for not realizing that I should have said at the very beginning that I am supporting this motion for recommitting, and I would just like to say that I'm disappointed that we are not addressing this issue faster and sooner because in the meantime children are dying, and we have a lot of people outside who are very concerned about that. Thank you.

PARLIAMENTARY INQUIRY

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

SEANTOR SOUCY: Thank you, Mister President. Mister President, if I support this motion to recommit because I believe it will give an opportunity for the public to weigh in on this important issue, and give this body an opportunity to have a full debate, would I vote yes on the motion to recommit?

PRESIDENT MORSE: If you're in favor you're going to vote to vote aye, if you're opposed you're going vote no.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

PRESIDENT MORSE: I apologize, I misspoke; it's not recommit, it's refer.

SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device.

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

SENATOR WARD: Thank you, Mister President. I move Senate Bill 523-FN Inexpedient to Legislate. This bill would create a state wide law requiring students to receive training in CPR and the use of an automated external defibrillator device. There is no doubt that training in CPR and how to use a defibrillator device is important. However, the majority of the Education Committee feels as though this training should be an option for districts and schools and not a requirement. Further, the amount of chest compressions needed during CPR have recently changed and the amount of effort needed to execute that may be too difficult for some. In addition, many of the students already have basic CPR through their Boy and Girls Scout troops or lifeguard training. I ask for your support in the motion of Inexpedient to Legislate on Senate Bill 523. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you. I am rising simply to say that I would like to thank the committee for their work on this bill which I was the prime sponsor and was asked to file on behalf of cardiologists at Dartmouth Hitchcock. I also, due to unfortunate circumstances, was not able to do as much preparation as I should have, and I apologize for that because I think it will be fixed and come back later. Thank you.

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

FINANCE

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.

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

Senate Finance

February 13, 2018

2018-0610s

10/04

Amendment to SB 334-FN

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

AN ACT relative to temporary licenses for occupations and professions for persons from other states.

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

1 New Section; Occupations and Professions; General Provisions; Temporary Licenses or Permits. Amend RSA 332-G by inserting after section 12 the following new section:

332-G:13 Temporary Licenses or Permits. The board or commission for any occupation or profession regulated under this title for which existing statutes or rules do not allow for the issuance of a temporary license or permit to an applicant for full licensure while awaiting a determination for such licensure, shall adopt rules as necessary to allow a temporary

license or permit to be issued to a person who is currently licensed in any state of the United States or the District of Columbia for 120 days while the person has a pending application for licensure with the respective board or commission regulated under this title. An applicant for a temporary license or permit to practice, who is currently licensed in any state of the United States or the District of Columbia shall:

I. Hold an active unencumbered license; and

II. Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action.

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

2018-0610s

AMENDED ANALYSIS

This bill requires boards and commissions of regulated occupations and professions to allow for a temporary license or permit for an applicant for full licensure for 120 days while awaiting a determination for such licensure.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 334-FN Ought To Pass With Amendment. This bill originally allowed certain allied health professionals licensed in the five other New England States and New York to be granted a temporary license to practice in New Hampshire while applying for a regular license. The amendment expanded access to temporary permits to currently licensed professionals of any occupation regulated under RSA 332-G. It also expanded eligibility for temporary permits for 120 days to currently licensed applicants from any state and the District of Columbia. The Committee recommends passage of Senate Bill 334-FN as amended, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and would like to thank the Finance Chair and the members of the Finance Committee for allowing me to introduce this amendment to that committee, and for them having a hearing, discussing it and passing it. We know today in New Hampshire we have some of the lowest unemployment rates in America. There is barely a company in this state that is not desperate for new potential employees. Understanding that we have one of the most rigorous licensing processes in America, some 360 different jobs in this state that require licensing, passage of this amendment, which will allow people from any state in America to come here and operate for 120 days while they go through our licensing process clearly sends a real message that we want to encourage people to come here, encourage people to work, and start working today. So, again, Mister President, and to my good friend, the Chair of Finance, thank you very much for giving us the opportunity because when we talk about our need to bring people here to start working tomorrow, this bill will actually do that, and I appreciate your consideration as does all the employers in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the amendment, and I ask my colleagues to vote this amendment down, and then Ought to Pass on the underlying bill. I do that recognizing that we went through a hearing in Health and Human Services; that

hearing was focused on the importance and urgency, workforce urgency, in the allied health fields. We accepted testimony from hospitals, nursing homes, the Board of Allied Health, and the Office of Professional Licensing and Certification. They all were in favor of the bill. We did the research on current reciprocity and national compact agreements in those seven allied health fields. And we gave evidence of, in fact, delays in the licensing, and it was documented by the employers. This amendment, while heard in the Finance Committee, I would say the process has not been thorough. The Office of Professional Licensure and Certification was not in attendance in the meeting. They did not testify at the meeting. There was no fiscal analysis which, in fact, had it been done, that office is very concerned about the work load. There are 47 boards for professional licensure and certification in the state. This bill would require each of them to go through rulemaking to adopt provisional licensing procedures. We already have taken up the consideration of the work load in that office. That it needs more staff, that it's behind on what it's doing, but we don't know which—I mean I know the allied health fields that they're behind on. I've heard testimony on that. I don't think anybody in the body has heard testimony that we're behind on every board and every certification in the state. We also don't know what goes into each certification and licensure in the state. For instance, I don't know what goes in to reflexology, structural integrators, and Asian body work therapists, but that's something that we license in the state of New Hampshire. I do know somewhat what goes into guardian ad litem. And I'd be very concerned that we accepted reciprocity on guardian ad litem from other states without knowing what was going into the training for those guardian ad litem in other states and that we were allowing them to come into the state and be licensed in that manner because we have a shortage of guardian ad litem. I don't know what goes into a septic system evaluator. I could go on with the other 46 licensures and certifications, but I do know what goes into Allied Health Professionals, and the committee knew clearly what goes into it. This body passed this motion by a vote of 24-0; it was then referred to the Finance Committee. I asked that we—and in the words of our colleague from Senate District 3—I think this is a sideshow. I don't think this is the main act. The main act in this bill was to address a workforce shortage in allied health. To open this up without understanding of the implications, creating an understanding the cost that there is to this I think is not well conceived. This should go through the proper legislative hearing introduction process. My constituents are very interested in this underlying bill. There are jobs in nursing homes, and in hospitals where the applicants are so rare they need to get people into the workforce that are qualified. It's documented what the qualifications are. They're common across the states. I ask that you vote down this amendment, and that we move Ought to Pass on the underlying bill for Senate Bill 334. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I, too, rise in opposition to the Finance Committee Amendment. I will say though to the Senator from District 9 that I sympathize a great deal in that we ought to look at this. I mean I've been on ED&A and I understand that this temporary licensure may be an issue that we really could do for many others than addressing an immediate crisis here. I think the Senator from District 10 has indicated to us many of the unintended results of moving this way right now, but I just wanted to focus on one particular problem that would arise for electrical workers, electricians.

Most electrical work takes less than 180 days. I mean if you're getting a house wired you're going to hope it's less than 180 days, right? But most jobs are less than 180 days. And we do have, I believe it's with fifteen states, compacts so the licenses are represented. But if somebody comes in on one of these 6 month licenses from a non-compact state and they do the work by our state statute that work cannot get inspected. The electrical inspector can only have an inspection pass for that work and let that resident be lived in if it's from one of these compact states. So we might be in a situation where somebody comes in and does the job, the homeowner there and thinking they had a licensed electrician doing it and suddenly come to find out that they can't get an inspection and occupancy. So I think, actually, I think these kinds of things really could be worked out if we looked at the broader issue, but right now let's pass the underlying bill, you know, get this immediate thing done, and then certainly let's look at the other issues that the Senator from District 9 has raised. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment and the bill. I fully recognize the concerns of my colleague from District 10 and District number 4, but I note that in the language of the bill it states that each of the licensure boards will present to Rules conditions for issuance of the temporary license, and I have every faith that those bodies will do the due diligence necessary to protect our citizens under their current stratagem for doing so before permitting someone from out of state to just come in at will. They will review those licenses and take a look at those qualifications as part of the rule making process. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. Senate Bill 334 did go through the Health Committee. We heard compelling testimony on a licensed, or several license professions that are probably among the most critical to have licensed are health care professions. There is an absolute necessity for this 120 day temporary licensure. There was universal support for the bill. I salute my colleague from District 10 for sponsoring it, and I think I recall being a co-sponsor with you because it was a good idea. I agree with our friend from District 2 that there are safeguards built into the bill. You, obviously, have to have an unencumbered license in any of the other jurisdictions, committed no acts or omissions that are grounds for any disciplinary action in another jurisdiction that would be subject to discipline. So I think that for a temporary 120 day license this is a realistic, given our work force shortages and trying to attract people to the most livable state in the nation, is a realistic way to proceed, and I urge the body to adopt the amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise again and again with complete respect to my colleague from District number 10, but would like to remind the body that yesterday we celebrated some twenty-one state police, who due to an emergency, went down to Puerto Rico in one of their times of need. We also know that whenever we either have an ice storm in New Hampshire or time and time again we have sent licensed electricians from our utilities as far away as Florida and the Midwest to help other states that are in need. We hear all the time that the bravest of the brave firemen and EMTs—EMTs have to

be licensed in our state—go to all places in the Midwest whenever there are challenges, and whenever there's the need, and our people stand up and call. Mister President, the reason I bring this up to the body to consider is these are all licensed industries that we recognize that in times of need our state goes forward and the other states accept those employees and their capabilities and their licenses and their ability to do work. Now some of us would suggest, just like in the health care field, there is a crisis. There is a crisis of not enough employees in our state and what can we do to try to help all of the employers in this state make our economy grow, and make our economy thrive? Senators, this isn't the bill to eliminate licensing, this is a bill just to recognize that if someone makes the decision to move to New Hampshire and apply for a license in New Hampshire that they'll be able to work on day number one. We are just recognizing the fact that they hold an electricians license in another state. That they've been through the process, they've been in the training of that other state. Now sure I can understand, Mister President, whether or not we want to have a debate today as to whether or not we trust other states or do we trust their licensing boards, but at some level we have to have trust. At some level we have to recognize that there are people across this country who are mobile, who might be looking for a better opportunity, who might be looking for a better job. And, if you're like most of us that work for a living, you can't give up two, three, four, six, ten, twelve weeks, or three or four months without a paycheck. So, we created a barrier for people that says we need you, but you have to go through our licensing process before you can work here. This to me is a great compromise that, again, is very specific; we'll let you come here for a short period of time, but to work here you've got to apply for a license, you've got to apply for what we do, and you can't have had your license revoked or some malfeasance done in your home state. The last thing I'd remind this body is what this bill recognizes is things like what about those military families that are transferred over here? We celebrate on a regular basis my friends from Portsmouth about we now have tankers coming in, and we now have people at the military base in Portsmouth, and people are transferred in and out with their spouses. Shouldn't we give them that ability to come here and work and apply for a license while their spouse is working? I think this is truly, truly common sense. I think that in America today we have to be able to recognize that people have the capacity; and for us, bringing people here, keeping the door open while they get their license done, is just common sense. And, Mister President, I would ask for a roll call on this vote. Thank you.

(The Chair recognized Senator Kahn.)

SENAOTR KAHN: Thank you, Mister President. Thank you, Mister President. I rise, again, colleagues, I can appeal to you, and I want to appeal to you—if you need a fear factor, think about guardian ad litem. People who are appointed by the court to represent people who are aged and have no capacity to represent themselves; think about kids who are caught up in custody and other kinds of child welfare issues, who get appointed a guardian ad litem and have no opportunity for a defense and representation for themselves. Do we want to have that kind of license automatically authorized in this state without licensure certification going through the state of New Hampshire? It is not equal to a physical therapist who goes through an accredited baccalaureate degree program in one state, gets their certification and comes to New Hampshire to work. If that appeal doesn't work for you, try the process appeal. The

Office of Professional Licensure and Certification was not aware that Senate Bill 334 was amended. And if that doesn't work try the fiscal analysis because their argument to me was forty-seven boards going through rule making, and I'll trust my colleague from District 9 that it's 361 separate kinds of certifications is a lot of rulemaking; that they're going to have to shepherd through a process and we never did the fiscal analysis. On those three bases, I just ask, stick to the underlying bill, let's vote down the amendment, put it through a legislative process so it can be considered not through the amendment that has been proposed, and let's move to address the critical shortage needs that there are in these seven allied health fields. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I was one of the persons who voted for this in committee. I can say that when I reviewed it in committee, the amendment from our colleague from District 9, I understood it to apply to the same professions, but opening it up to all states. Subsequent to that, and upon further review it not only opens up to all states, it opens up to all professions. And so, I'm just not in a place to be comfortable voting for all professions. I think the HHS Committee heard a public hearing on specific professions. So, at this time I'm going to change my vote, Mister President because the amendment is much broader than I understood when I voted for it. Thank you, Mister President.

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

SENATOR SOUCY: Thank you, Mister President. Thank you, Senator. Senator, in consideration of this amendment did you take any testimony from anyone outside of the allied health groups that were part of the original bill?

SENATOR DANIELS: I had one person approach me representing athletic trainers, which are part of the allied health but were not included in the bill to begin with and he wondered why. Upon further research I discovered that there was an additional occupation that was part of allied health that was not included either. So, I talked to him subsequent to this amendment. He said he was fine with that. Beyond that there was no more testimony.

SENATOR SOUCY: Senator, would you believe I spoke to several people last night who expressed grave concern at not being able to weigh in on this discussion that were members of professions outside of the originally passed legislation?

SENATOR DANIELS: I would believe that.

SENATOR SOUCY: One of the issues that was raised by some of these folks was an issue of liability and the consumer concerns that were raised by the Senator from District 4 that we may actually be putting more people in New Hampshire in a very bad spot thinking someone has a New Hampshire license, has acquired a New Hampshire license with all of the terms and conditions that apply to their profession.

SENATOR DANIELS: I would submit to you that we ran into the same situation where the respiratory care person who comes into New Hampshire may not have the New Hampshire qualifications. I mean if I have a respiratory problem, I'm now being treated by someone who isn't necessarily meeting the New Hampshire standards but they have 120 days. If that's acceptable, I don't see why the other professions are not also acceptable.

SENATOR SOUCY: Thank you.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 13 - Nays: 9. Adopted.

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 Avard.

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

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

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to Third Reading.

SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities.

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

Senator Giuda moved to Lay on the Table SB 361. Adopted.

PARLIAMENTARY INQUIRY

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

SENATOR KAHN: Thank you, Mister President. The inquiry is if I know that the university system of New Hampshire offers dual enrollment courses and there are school board agreements that need to be adopted that do not include the university system of New Hampshire in those policy agreements, would I have voted against the motion to table?

PRESIDENT MORSE: Again, Senator Kahn, if you were in favor you would've said aye, if you were opposed you would've said no. The ayes voted to table.

SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.

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

Senate Finance

February 13, 2018

2018-0609s

05/10

Amendment to SB 468-FN-A

Amend the bill by deleting sections 11-13 and renumbering the original sections 14-15 to read as 11-12, respectively.

Amend the bill by replacing section 12 with the following:

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

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 468 Ought to Pass with Amendment. This bill requires certain fines and penalties collected by the Department of Environmental Services to be deposited into the general fund rather than in dedicated funds. The amendment does two things: it changes the effective date of the bill to July 1, 2019, to enable the determination of funding during the next budget process; and (2) to avoid the loss of approximately \$280,000 to the administrative assessment account within the aquatic resource compensatory mitigation fund—they need to shorten that. Committee members agreed to delete sections of Senate Bill 468 and exempt the fund from the requirements of the bill. The committee recommends passage of Senate Bill 468 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 544-FN, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Senate Finance
February 14, 2018
2018-0615s
08/03

Amendment to SB 544-FN

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

1 General Provisions; Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund.

I. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. If the expenditure of additional funds over budget estimates was unanticipated and is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the commissioner of the department of safety may transfer funds, with the prior approval of the fiscal committee of the general court, from this fund to the department of safety for such purposes.

II. *On May 1 of each year, the state treasurer shall transfer an amount equal to 2 percent of the total amount collected pursuant to RSA 400-A:32, RSA 405:29, RSA 406-B:11, RSA 406-B:16, and RSA 406-B:17 in the preceding state fiscal year, from the general fund into the fire standards and training and emergency medical services fund established in paragraph I, provided however, the year-end balance of the fire standards and training and emergency medical services fund shall not exceed \$2,000,000.*

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

2018-0615s

AMENDED ANALYSIS

This bill allows for annual transfers of certain money from the general fund to the fire standards and training and emergency medical resources fund.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 544-FN Ought to Pass with Amendment. This bill annually transfers two percent of the insurance premium tax revenue collected under RSA 400-A:32 I-II from the general fund to the fire standards and training and emergency medical resources fund. This will ensure the continuation of the best training possible for New Hampshire's first responders. The amendment addresses concerns expressed by the Department of Insurance regarding a potential retaliatory tax impact. The committee recommends passage of Senate Bill 544 as amended, and asks for your support. Thank you, Mister President.

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

SENATOR KAHN: Thank you, Mister President. I'm curious—what is the fiscal impact of this legislation?

SENATOR DANIELS: It was determined to be indeterminable, but if the fund exceeds \$2 million it will go to the general fund. So I mean, coming off the insurance premium tax it could vary from year to year. Whatever the two percent is will go in there, but if that fire standards and training fund reaches \$2 million then no more will go to that fund, it will be diverted to the general fund.

SENATOR KAHN: Thank you, Senator. That means that this is a recurring fund. Whatever is unspent in one year will flow over into the subsequent year and continue to be at a \$2 million minimum?

SENATOR DANIELS: That means if the fund is expended but there is something left in it, then it will be refilled through the tax until it reaches the 2 million. So it is continuous.

SENATOR KAHN: Thank you, Senator. 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 576-FN, deleting the suspension of home health services rate setting. Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 576-FN Inexpedient to Legislate. This bill sought to repeal Chapter 156:77, Laws of 2017, which suspends for the fiscal year 2018-2019 biennium the statutory process for rate setting for home health services. This bill would require the Department of Health and Human Services to adopt rules establishing a rate-setting methodology, "which establishes unit Medicaid reimbursement rates for home health services which reflect the average cost to deliver services.". DHHS would then be required to establish annually on or before October 1st unit rates for "home health services paid under Medicaid which better reflect the average cost to deliver services.". The Department would have to provide a biennial report on rates for home health services beginning November 1st. Discussion on the establishment of rates by the Department and any potential subsequent increase in rates, raised concerns of increasing costs outside of the current budget. Citing a

desire to continue this discussion during next year's budget process, while avoiding the possibility of a budget shortfall, the committee recommends Senate Bill 576 be found Inexpedient to Legislate, and asks for your support. Thank you, Mister President.

Senator Bradley moved to Lay on the Table SB 576-FN. Adopted.

HEALTH AND HUMAN SERVICES

SB 490, establishing a commission to study end-of-life choices.

Ought to Pass with Amendment, Vote 3-2. Senator Bradley for the committee.

Health and Human Services

February 14, 2018

2018-0652s

01/04

Amendment to SB 490

Amend RSA 137-J:38, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) There is established a commission to study end-of-life choices. The members of the commission shall be as follows:

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

(2) Two 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) A representative of the New Hampshire Medical Society, appointed by the society.

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

(6) The executive director of the American Civil Liberties Union of New Hampshire, or designee.

(7) The executive director of the Disabilities Rights Center of New Hampshire, or designee.

(8) The executive director of the New Hampshire Hospice and Palliative Care Organization, or designee.

(9) A New Hampshire attorney who specializes in senior and elder law, appointed by the New Hampshire chapter of the National Academy of Elder Law Attorneys.

(10) A religious leader from a New Hampshire-based interfaith council, appointed by the speaker of the house of representatives.

(11) A religious leader from a New Hampshire-based interfaith council, appointed by the president of the senate.

(12) A member of an organization representing disabled persons, appointed by the governor.

Amend RSA 137-J:38, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The commission's study shall include, but not be limited to, reviewing RSA 137-J, investigating the positive and negative effects of potential legislation relating to palliative care and end-of-life choices, innovation practices of other states, how to encourage careful and responsible deliberation about this issue, and any other matter the commission deems relevant to its objective.

SENATOR BRADLEY: Thank you, Mister President. This bill would create a commission to study end of life choices in New Hampshire. The

commission's study would include, but not be limited to, reviewing RSA 137-J, which deals with advanced directives, investigating the positive and negative effects of potential legislation relating to palliative care and end-of-life choices. And I would just like to say, as there was some discussion about what end of life choices mean, to me it's not about assisted suicide, but rather about the choices that my mom made to not have chemotherapy or radiation for cancer at an advanced age. The Committee Amendment added language regarding palliative care and expanded the commission to include another member from the disabled community. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Senator, for taking my question. Based on your comments, is that to be interpreted as this committee will not study assisted suicide? Is that a directive comment, or is that just your opinion?

SENATOR BRADLEY: I think it's my opinion as to what end of life choices mean. I don't think the language was so restrictive that if members chose to talk about that that they'd be prohibited from that. But I think there was an assumption that end of life choices meant assisted suicide, and I was trying to clarify, at least in my opinion, that end of life choices mean many things other than assisted suicide.

SENATOR GIUDA: Thank you, Mister President. But it does not specifically exclude the consideration by the commission of assisted suicide?

SENATOR BRADLEY: The language does not state in any way, manner, or form assisted suicide. So, you and I may disagree about what that actually means, but I will tell you it does not say assisted suicide.

SENATOR GIUDA: But it does not preclude it. Thank you.

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

SENATOR DANIELS: I noticed in the makeup of the committee that we have already an executive director of the Disability Rights Center on there, and that you have added on a member of an organization representing disabled persons. I mean, isn't that really a duplication?

SENATOR BRADLEY: Well, it is a duplication but here's why: there was compelling testimony from representatives of disabled organizations, and I felt that it was important to have ample voices from that community and so we added a second member from the disabled community.

SENATOR DANIELS: I know that the Catholic Diocese has come out against this bill. I do not see them represented anywhere in the makeup of this committee. Can you explain that, please?

SENATOR BRADLEY: I don't have the language in front of me, I apologize. I left my notebook upstairs and I'm not as technologically proficient as the Chair of the Finance Committee, but I do believe that there were two members from religious organizations to be appointed.

SENATOR DANIELS: It specifically says interfaith councils. I understand councils as to be multiple denominations together like the New Hampshire Council of Churches. So, in reading that, that's why I brought up that because they are not a council, they are a diocese, and...

SENATOR BRADLEY: And in my reading of the language and the amendment they are also not excluded. So depending on the appointment process a representative of the diocese could be appointed to this commission.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I would like to, first of all, I'm standing to speak, or to request that you vote down this Committee Amendment so that I may introduce a Floor Amendment, and I wanted to say that I don't even like saying that because I like this amendment and I think there were a couple of things that were left out of it, so for me it's more of a housekeeping. We had hoped to have the word "palliative care" in the title, which it is not. So the other amendment would do that. And the other is just to add a couple balancing members of the committee that I personally thought were going to be on it, and I think we acted quickly. So, I would like to thank the Senator from District 3 for his very good work on this and for speaking to it, but I would like to ask that we do not vote in favor of this particular amendment so that I may introduce another one.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Mister President, I believe in the sanctity of human life. I went through, just like Senator Hennessey, last year it was my father. I'm in the middle of losing my mother, and I think that this commission will demean the value of human life, and that's all. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the motion of ITL, and would like to speak in favor of overturning that and talk a little bit about what the committee heard during the testimony. We heard from the prime sponsor that the purpose of this study is to address end of life choices for those individuals who have received a diagnosis of having a terminal illness with less than six months to live. And we should, I believe, enable those individuals who are dying to have certain choices or options. This is a study that would not put those options in place, but would look at how to provide palliative care and support to a dying individual. Anyone of us who may be facing a pending death in the near future should be allowed to determine when and how we wish to end our lives. And I would like to recommend to all of you Diane Rehm's book entitled *On My Own*, which she wrote about the agony of watching her husband John, who was terminally ill, starve himself to death over the course of ten days because there was no other option available. So I would urge my committee members, all of us who are aging and concerned with how we will pass out of this world, to allow this study to go forward. And, in closing I'd just like to read to you one of the quotes from Diane Rehm's book which says, quote, "Each and every one of us should have the right to choose when diagnosed with a terminal illness. The idea of suffering as being noble does not persuade me that extending life for the sake of someone else's religious beliefs or social philosophy is fair or even reasonable. Let each one of us make our own decisions when facing a terminal illness." Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I rise in opposition to the amendment and to the bill in its entirety, Mister President. As many of us here are involved in life or death situations in the protracted life under conditions that some might consider inconvenient or horrific, nonetheless, we are opening the door to assisted suicide. Palliative care procedures in place in the state at present are entirely adequate, and entirely accessible with living directives, end of life directives currently available through lawyers and through legal aid societies. So, for that reason I speak as a humble, but

intense supporter of human life from conception to the point of death, natural death. And I will fight vehemently against the introduction of any bill that opens the door to demeaning human life, and demeaning the value of suffering, which if you believe in an afterlife, the value of suffering enriches the life of those who suffer and the life of those who care for them. I can't say it any more eloquently than that, and I thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise in support of the Ought to Pass motion. I'm a co-sponsor of the bill, but I co-sponsored it with my own understanding that this was not a commission that would be directed towards approving or developing a position on physician assisted suicide. I have grave reservations about that, and I wouldn't be supporting the bill if I really thought that's what the purpose of the commission was. I speak in part as the son of a veteran's administration doctor who helped countless, countless veterans to their final moments at the Newington VA Hospital. And, also, without any details referenced, family situations in which this has been end-of-life care and these decisions have been very difficult personal and family decisions. I'm encouraged to hear the words about including palliative care here, and understanding that the concerns of faith groups and the disabled are going to be understood and listened to as they will be members of the commission. I do share of some of the concerns voiced in the committee reporting from the disabled community. Of course there're also some people in the disabled community who see this commission as offering them an opportunity to have more choices involved when they, whatever it may be about the end of life. So, I just wanted to note that this is a serious subject. I think in good effort here this commission, as we have attempted previously, will wrestle with questions and many questions that aren't going to be solved by this commission, haven't been solved by other states around the country, but we ought to have this discussion in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you. I would like to change what I said last time, which is that I believe that the amendment that I have, Floor Amendment that I have brought is actually more supplemental than changing the Senator from District 3's amendment. So I would recommend at this point that we vote in favor of the amendment and then I will be offering something that adds to that amendment. I don't think they're mutually exclusive. I'd also like to say that this, to echo what was said by the Senator from District 3, and I will speak to that, perhaps, more later. But those of us who have had people at the end of life are aware that those people who have been told they have six months or less to live actually would rather live not die. Their greatest wish is that they actually were not going to die in six months. This is not suicide, and I can tell you that my father, among them, felt very strongly that this is not suicide. He wanted to watch his great-grandchildren grow up. That was his greatest wish. But he was not going to keep living, and he was in a great deal of pain. And while I would also agree that there are times when suffering builds character, and while I also agree that the sanctity of life is very important, I also believe that we should be recognizing the wishes of those who are in this very unusual position of being told that they have six months or less to live. So I'll speak to that, but I wanted to change my mind about the amendment. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and I appreciate all of the heartfelt conversations that all of the Senators have brought forth today because all of us have struggled with this issue. Some of us struggle with it every day with their family, their loved ones, themselves, and the part that I find so remarkable about this conversation, and I do believe this is one of the most important issues we discuss here, and the issue is the free will of man versus the power of our government; the free will of man versus technology; and the free will of man versus our belief in what the afterlife brings us. This isn't a debate that I believe there is a right side or a wrong side because at the end of the day, Mister President, I believe in free will. All of us that have watched loved ones, family members, participated ourselves in very dubious medical times, shouldn't those people have a right to exercise free will? Now I recognize the fact there's always this concern of whether or not people are exercising their free will to make the ultimate decision, and whether or not they're in the right state of mind, or they have the right capacity. And we need to make sure, clearly, that we're providing some level of check and balance to ensure that people are in a position where they have and can make a freedom choice. I think it's ultimately important for us to recognize the fact that our debate here isn't about a policy, isn't about a standard. It's about ensuring people have free will. We might find it uncomfortable, but don't we have to respect their position? So, I ask the committee to consider that when they think of their vote. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5

February 22, 2018

2018-0827s

01/05

Floor Amendment to SB 490

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

AN ACT establishing a commission to study palliative care and end-of-life choices.

Amend the bill by replacing the section heading and subdivision heading as inserted by section 1 of the bill with the following:

1 New Subdivision; Commission to Study Palliative Care and End-of-Life Choices. Amend RSA 137-J by inserting after section 37 the following new subdivision:

Commission to Study Palliative Care and End-of-Life Choices

Amend the introductory paragraph of RSA 137-J:38, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) There is established a commission to study palliative care and end-of-life choices. The members of the commission shall be as follows:
Amend RSA 137-J:38, I(a) as inserted by section 1 of the bill by inserting after subparagraph (12) the following new subparagraph:

(13) Two individuals with terminal illness, appointed by the governor.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 137-J:38, relative to a commission to study palliative care and end-of-life choices, is repealed.

2018-0827s

AMENDED ANALYSIS

This bill establishes a commission to study palliative care and end of life choices.

SENATOR HENNESSEY: One of the most frustrating things for me as a rookie in the Senate has been how to get a message across. I know that this bill and the amendment that I am offering to the bill are, I know, and I want you to understand that they are not about what you are calling assisted suicide. What this amendment does, as I briefly described before, is to add palliative care to what the commission is studying; and also to add, because we have people in the disabled community, in fact two representatives; and from the religious organizations, including two representatives. I think in order to truly understand what this issue is I have added two people who are terminally ill. I agree with the Senator from District 21. It was recommended to me to read the book by Diane Rehm, and I certainly do recommend it to all of you, especially if you have not been through the process of working with, or helping somebody who is terminally ill. I just want to make clear that this amendment, as well as the bill itself, is comprised, the body of the commission is comprised of compassionate, thoughtful men and women, and I just ask that you put aside your preconceived notions about such laws. This is not, not a commission to study suicide. It is not anything that is considered suicide. Many states use the title "Death with Dignity." There is a very important difference between "Death with Dignity" and suicide. The term suicide does not apply to terminally ill people who would prefer to live, but who are facing certain death within months and they'd like a gentler, kinder way to die. In Vermont it's called patient choice and control at the end of life, and specifically states that terminating one's life under the law is not suicide. You have to be at least 18 years old. You have to be a Vermont resident, and you have to be mentally and physically capable of communicating your health care decisions. You have to be able to speak it. You have to be able to be the individual who is asking for it. It cannot be the individual's husband, the individual's mother, the individual's son. It must be the person who is deemed by two doctors to be very likely to die within six months, probably sooner, and they need to see a counselor who can then say that this person is of sound mind and can make this decision themselves. And the process generally takes about two weeks. So it's not as if you go in and get a pill and you take it. One of the things I found so interesting in studying this issue, and by the way, I did not know that my father was dying when I put this issue together. But boy, did it have an impact on me watching it happen. And I think anyone in this room who has watched a parent, a child, or anyone in their lives die in horrible pain, even though we know it may only last four to five or

six months, it is excruciating, absolutely excruciating. So let's say there are one-hundred people who get this prescription, which is actually a pill that they have to administer to themselves, no one else can give it to them, they have to take it themselves; and once they get it, twenty to twenty-five percent do not actually ever use it because they realize now they have a choice; their husband can't give it to them, their parents can't give it to them, nobody can give it to them. In fact, some people are feeling that that's, in fact, discriminatory because there are people who can't give it to themselves. So I recognize that end-of-life, I mean, end-of-life is a really, really hard thing to talk about; it's very difficult to talk about. I would give everything I own to have my father back for another two months, another month, another day, but that wasn't going to happen. That was not in the cards. He was 92 about to be 93. He was in terrible pain, and he was dying. I couldn't change that. So please understand that using the term suicide is a terrible insult to people like my father who wanted nothing more than to live. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just wanted to add—I rise in favor of the amendment and the underlying committee. This is a study commission. And I just want to share a story that I wrote about as a columnist for *New Hampshire Magazine* about a retired cleric in 2001 who was dying and went to talk to his medical provider, who then the police found out and came to his house and told him they were going to arrest him unless he went voluntarily. They handcuffed him to his wheelchair and brought him to the state hospital, held him for a hearing, and he died on the gurney. No dignity. No respect and the heavy hand of government around his arms. And it's the role of government, the legitimacy of our laws. I think this is an important discussion to have; a difficult discussion, but an important discussion to have of the role of government. That's what this is all about. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the amendment. Like the past amendment, this amendment also has a deficiency in the makeup of the study committee that I mentioned before. Also, in my twenty-two years in the legislature, the term "end-of-life" has always equated to assisted suicide, and even when the member talks about someone being given a pill, the person giving that pill is assisting in that suicide. The final decision may be that person, but if that person decides to take that pill, which would end their life, that becomes assisted. So, for those reasons I oppose this amendment and the bill. Thank you, Mister President.

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

SENATOR HENNESSEY: I'm just curious where you—because this is not something I considered in writing this bill. Where do you draw the line? Should we also make sure that people from all other faiths are represented, or is there a reason why the Catholic Diocese should get preference in terms of being on this commission?

SENATOR DANIELS: Thank you for the question. I bring out the Catholic Diocese specifically because I receive communication from them that they were opposed to this. I have experienced that interfaith councils and dioceses may differ on different positions on different bills, and so I saw a void in not including an organization on there that I knew was

opposed to euthanasia or assisted suicide, and that was my reason to try and fill in the gap to make sure that you would have a conversation that had both sides represented at the table. Thank you.

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

SENATOR LASKY: Senator, you stated that all end-of-life commissions, decisions, or whatever amounts to suicide in the end. Did I hear you correctly?

SENATOR DANIELS: No, you did not. I stated that in my twenty-two years in the legislature, whenever the term “end-of-life” has shown up it has always equated to assisted suicide.

SENATOR LASKY: Okay. I served on an end-of-life commission many years back in the House. I did not find that to be the case. But I wonder how you differentiate between what might be legitimate end-of-life decisions and suicide? I guess in my mind I’m hearing you equate the two terms.

SENATOR DANIELS: No, I’m simply saying that we can use the term “end-of-life” and say that it doesn’t mean assisted suicide, and that may be the intent of the members in here. But even in our debate here today we have had testimony come out that we are actually talking about assisted suicide even though it says “end-of-life.” So I’m saying that when this bill leaves this chamber, end-of life, whatever somebody perceives it to be, whether it’s non-assisted suicide or whether it’s assisted suicide, there are no guidelines on this to say that there are boundaries that we are not going outside when it gets to the study committee.

SENATOR LASKY: Thank you.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Carson, D’Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Recess. Out of recess.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I would ask the members to vote down the Ought to Pass so that I may introduce a subsequent motion, Inexpedient to Legislate. Thank you.

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

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

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

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

The following Senators were excused: Carson, D’Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Senator Giuda moved Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Giuda. The following Senators voted Yes: Giuda, Gray, French, Ward, Daniels, Avard, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 12 - Nays: 10. Adopted.

JUDICIARY

SB 337, relative to the human rights commission.

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

Senator Lasky moved to Lay on the Table SB 337. Adopted.

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.

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

SENATOR LASKY: Thank you, Mister President. I move Senate Bill 502-FN Ought to Pass. This bill clarifies the standards for acquisition transactions involving health care charitable trusts and the review required by the Director of Charitable Trusts. By providing more tools for the Charitable Trusts Unit to review these transactions, New Hampshire will be better able to ensure that access to quality and affordable physical and mental health services will be available after any merger. During these challenging times in our state, it is essential that we are diligent in ensuring the needs of our communities are being met. This bill will lead hospitals looking to merge to specifically consider the access to quality and affordable physical and mental health that they will provide. This will promote more integrated care and be an important step in dealing with the mental health and opioid crises we are facing. Hospitals need to recognize that mental health care is a vital part of their mission and end the separation of physical and mental health care within their overall charge. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on Senate Bill 502-FN. Thank you, Mister President.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 430, relative to priority of liens for liability for support of assisted persons.

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

SENATOR BIRDSSELL: Thank you, Mister President. I move Senate Bill 430 Inexpedient to Legislate. This bill would change the priority of liens on real estate relative to liability for support of assisted persons given by the municipality. Moving forward with this legislation would disrupt the balance between lenders and municipalities. Presently, a condition of granting a loan is that the lender will be in the priority position when a lien is placed. Putting municipalities in that priority position would limit lenders ability to participate in the secondary mortgage market resulting in less financing opportunities for property buyers. The committee felt that this legislation would have a negative impact on the lending market in NH that would far outweigh the benefits to the municipalities if it should pass. Therefore, I ask that you please support the committee's recommendation of Inexpedient to Legislate.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I brought this bill forward because we have a statute under Public Safety and Welfare that states, "Whenever a person in any town is poor and unable to support himself,"—it says himself—"he shall be relieved and maintained by the overseers of public welfare of such [a] town." (RSA 165:1, I) Alright, so this issue has been before the State Senate in 1998, 2008, and again this year. This is an issue that's likely to come back. In '88 supported by Senator Janeway; 2008 Senator Odell. It's not quite right, and I appreciate the time that the Public and Municipal Affairs Committee, and in particular my colleague from District 8 has spent considering this bill. But here's the crux of this: we have statutes that give a priority lien to a town for unpaid taxes. We have another statute that provides the same priority for hazardous and dilapidated buildings. We have another statute that provides a priority lien for court enforcement of unpaid municipal electric, gas, and water and sewer. We have a statute that requires welfare payments, and some of those welfare payments go to support the mortgage lenders. But, because those are usually at the end of a foreclosure possibility, when that foreclosure occurs the last entity in line is the municipality. We don't want to discourage these welfare payments. We don't want to funnel them through a filter that says anything but a mortgage payment because we think that we could collect it. But we're not there yet, and I appreciate the work of the Bankers Association, and the Municipal Association, but more evidence needs to be brought on this. Somebody needs to test whether the secondary mortgage market really would dry up in the event that one other kind of condition for collection, a very narrow kind of collection on welfare liens, relative to mortgage payments to banks on behalf of welfare recipients really would negate the sale of primary mortgages to the secondary market. But that evidence doesn't exist today. So that's why I don't disagree with what's coming before you as far as the committee recommendation, but I do believe we all need to do more homework on this. One: what is the impact of these welfare liens in our towns and municipalities, and our counties; and then the Municipal Association and the Bankers need to do some more work. What other states have addressed this and have they been successful with the secondary mortgage market. Thank you colleagues for letting me discuss the issue a little bit further on the floor, and thank you, Mister President.

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

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

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

SENATOR GRAY: Mister President, first I need to declare that I am a veteran in the United States Army, a Vietnam veteran, so that this bill could affect me financially, and I still choose to participate.

I move that Senate Bill 503 be Inexpedient to Legislate. The bill will allow towns and cities to adopt an increased amount in the optional veterans' tax credit against property taxes. The committee felt that the recent changes in the veteran's tax credit should be evaluated before additional legislation is enacted. I'd like to take a moment to review some of that additional legislation. If we go back approximately about five years the veterans tax incentives were three-fold: for the regular veterans credit it was \$200 credit; for 100 percent disabled service connected

disability it was \$2,000 credit; and for 100 percent disabled veteran war related with loss of limbs or loss of eyesight, and who had obtained their house through assistance from the government, that they would get an exemption, they would pay no taxes. Since then, we've raised that 200 to 500. We didn't do anything for those 100 percent disabled veterans who are currently getting a credit for 2,000. We added all veterans. So, instead of having to be just a veteran who served during one of the times of war that were designated in the legislation we added all the veterans. We still didn't do anything for that 100 percent disabled veteran. We got two bills this time in the committee. We got a bill from the good Senator from District 23, and the good Senator from District 11. The committee spent a long time studying those bills, and studying all the options that are out there right now. And, thankfully, you passed Senate Bill 341 on the Consent Calendar which raises that tax credit for that 100 percent disabled veteran from 2,000 to 4,000. So, it used to be 200, 2,000 exemption, now it's 500, or will be if the House passes it; 4,000 in exemption. Nice normal progression. People are going to tell you that there are veterans. We ought to do everything we can for them. Shortening that gap between the regular veteran and the 100 percent disabled veteran is not the right way to go. If we're going to spend money on veterans, veterans that are suffering from the effects of agent orange, veterans that are suffering from PTSD, we've got bills that work on PTSD this term and I voted for all of those. We need to recognize the veterans who are homeless right now. We need to do a lot of things, but to further increase from 500 to 750, or as we voted last year to raise it to 1,000, in my opinion is not appropriate. I want to help the veterans, I want to help the 100 percent disabled veterans, I want to help those that are homeless, I want to help those that are suffering from injuries they received before I go and raise this one again. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Mister President, I'm declaring that I'm a veteran of the United States Coast Guard and could financially benefit from this legislation, but I will be participating.

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

SENATOR GANNON: Just one question, Senator Gray. It's an easy question. How many are 100 percent? Do you have the figure, or are we talking of ten, twenty, thirty, hundred—100 percent disable veterans?

SENATOR GRAY: I had the numbers for Rochester, but I don't have them with me, and I don't have them for the state.

SENATOR GANNON: That's fine, that's fine.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I rise to ask you to vote against the ITL motion so I may introduce a more appropriate Floor Amendment so we can pass the bill as we did last session. I don't believe this is the appropriate time to speak further on the issue, is it? No, it would just be to introduce. Okay. Thank you, Mister President.

PRESIDENT MORSE: We have to vote down the Inexpedient to get to your point.

SENATOR GANNON: Okay. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I just rise to claim that I am a United States Marine Corp veteran and could be affected by the legislation, and I will be participating.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. And I rise to declare that I am a veteran, and may benefit from the passage of this, but I will be participating.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I'm sorry, my parliamentary procedures—I am not there, Sir. So at this time is this the proper time, Sir, to ask to introduce an ITL motion? No.

PRESIDENT MORSE: Senator Gannon, you want to get to an Ought to Pass motion, the current motion is Inexpedient to Legislate.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with my good friend from Senate District number 23, and ask the body to reject the current motion of ITL so we can have a robust debate on the merits of the bill. So if you'd like to have a debate on the merits of the bill, I'd ask that you would reject the motion of 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 Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Gray, French, Ward, Kahn, Avard, Reagan, Birdsell, Fuller Clark, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Sanborn, Daniels, Lasky, Feltes, Cavanaugh, Soucy, Gannon.

The following Senators were excused: Carson, D'Allesandro.

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

Senator Gannon moved Ought to Pass.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

February 21, 2018

2018-0793s

05/04

Floor Amendment to SB 503

Amend the bill by replacing section 1 with the following:

1 Property Taxation; Optional Veterans' Tax Credit. Amend RSA 72:28, II to read as follows:

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to [~~\$500~~] **\$750**. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

2018-0793s

AMENDED ANALYSIS

This bill allows towns and cities to adopt an increase of the optional veterans' tax credit against property taxes up to \$750.

SENATOR GANNON: Thank you, Mister President. As we voted last year, I discussed how we are capped at \$500. My small town of Sandown wants to have local control. They want to decide how much that they can or can't afford. Three-quarters of all towns now in New Hampshire are capped at the \$500 limit. The Veterans Advisory Council has backed my bill, as has the House Veterans Caucus. They believe we should let local control decide. I made a promise to a Gold Star mother last year that I would give my best effort to pass this bill. I got a little lazy and almost let it slip through committee, and I apologize to her and you guys. Again, the issue is local control. I don't need to tell you any more stories. I believe the veterans, the veterans that I see are the privates, the corporals; \$250 is going to make a lot of difference to many of these men, and I would ask that you make a vote with my Ought to Pass motion. Thank you.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted.

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 516, prohibiting the use of motorcycle-only roadside checkpoints. Ought to Pass, Vote 4-1. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 516 Ought to Pass. This bill would prohibit the enforcement of motorcycle noise level restrictions at motorcycle only roadside checkpoints. Having motorcycle only checkpoints effectively singles out those who choose to ride as a form of transportation or recreationally. The number of individuals who choose to ride and misuse their motorcycles is vastly outnumbered by those who respectfully operate their motorcycles within the appropriate noise levels. Further, the sound level of motorcycles is nearly impossible to test in the field. The current test requires that there be an eight foot, uninterrupted circle around the bike with no background noise in order to read the level of sound decibels properly. Because motorcycle only checkpoints single out riders and use an arbitrary testing method, the majority of the Transportation Committee believes these checkpoints

should be eliminated. Therefore, I ask you to support the motion of Ought to Pass on Senate Bill 516. My colleague, Senator Birdsell, will offer an amendment, which I also support. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I was the dissenting vote on this bill. So, I decided to call District 21's good police chief and we discussed it, and I said—because that was the whole thing in the hearing was that Portsmouth had already started doing these tests. It was on the news, and it said that they were going to do these in the summer. The police chief told me he had no intention of doing it in the summer, and that he had never done a roadside checkpoint exclusively for motorcycles. They also have a new test device. The new test device is coming out this week. He has two officers, and it takes care of the background noise, it takes care of rain, and he has two officers who are going to be trained and tested. They're not going to use roadside checkpoints. They're only going to pull when they hear that the pipes are too loud; they're going to pull you over. If you're having dinner downtown Portsmouth and you can't hear when you're sitting out in that nice café with your wife, Mister President, I think you shouldn't be interrupted, and if the police decide that it's above their acceptable noise limit, if they're only pulling you over because of the noise you are not a protected class, they have the right to have their own, local ordinances. There is no actual case or controversy, as this whole bill seemed to be predicated on the Portsmouth police in what they were supposed to be doing. The news media said, again, that they were going to have summer checkpoints. I've been assured that isn't the case. It's just a wild rumor. We're looking here to fix a problem that really doesn't exist. There are no roadside checkpoints, and I feel as there's no actual case or controversy we shouldn't be passing this legislation. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise as a proud member of the Harley Owner's Association of America; ride a motorcycle; have been involved in discussions with the best men and women in law enforcement about the sound of my pipes, and so therefore, I may or may not have a conflict in this matter, but I'm still participating. And all I have to say is loud pipes saves lives. Thank you, Mister President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
February 15, 2018
2018-0666s
03/05

Floor Amendment to SB 516

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

AN ACT prohibiting motorcycle-only checkpoints.

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

1 New Section; Motorcycle-Only Checkpoints Prohibited. Amend RSA 265 by inserting after section 1-a the following new section:

265:1-b Motorcycle-Only Checkpoints Prohibited. No law enforcement officer or agency shall establish or conduct motorcycle-only checkpoints.

2 Effective Date. This act shall take effect upon its passage.
2018-0666s

AMENDED ANALYSIS

This bill prohibits motorcycle-only checkpoints.

SENATOR BIRDSELL: Mister President, it came to our attention in testimony from one of the co-sponsors who came to speak that there was a technical problem with the bill, and we neglected to get it before we exec'd it, but what we're doing is the amendment changes the RSA. The bill itself amends RSA 266:59-a. However, it should be amending RSA 265 and the amendment corrects that. Thank you, Mister President.

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

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

SENATOR GIUDA: Thank you for taking my question, Senator. My question is are there circumstances in which motorcycles would rightfully be targeted, for lack of a better word; safety or some other reason? Is there any reason that we would have to target a motorcycle?

SENATOR BIRDSELL: In the hearing we did hear from two to three pages worth of witnesses that did say that it did happen in and around the Portsmouth area. Typically what was happening was the motorcycles—I don't know whether it was monthly—but they would go to the Veterans Memorial and it would start happening then. We had no testimony that stated that they weren't doing it. So, it was the motorcyclists came in and testified that they had been stopped.

SENATOR GIUDA: Thank you.

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

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

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

Senate Transportation

February 14, 2018

2018-0618s

03/04

Amendment to SB 517

Amend RSA 4-G:1, II as inserted by section 1 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) A representative of Unitil, appointed by its president.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 517 Ought to Pass with Amendment. This legislation establishes an electric vehicle charging stations infrastructure commission. This commission will allow New Hampshire to do some careful planning for electric vehicles and the infrastructure that they need. Further, it will guarantee New Hampshire's participation among other states in the growth of electric vehicle infrastructure. The committee amended the bill to add a representative from Unitil to the commission, and I have a Floor Amendment that adds a couple of other folks who want to be on this as well. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 517. Thank you, Mister President.

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

Sen. Watters, Dist 4
February 20, 2018
2018-0746s
03/04

Floor Amendment to SB 517

Amend RSA 4-G:1, II(a) as inserted by section 1 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) Department of environmental services.

Amend RSA 4-G:1, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) A representative of the electric vehicle charging infrastructure manufacturers industry, appointed by the governor.

SENATOR WATTERS: Thank you, Mister President. In committee we had thought that the Department of Environmental Services was represented by another entity, but it turns out that it was not particularly represented by that so we added it to the list of state departments that are added. After the committee acted on the bill we also heard from the electric vehicle charging manufacturers and they said they had been involved in similar commissions elsewhere in the United States, and would like to have the opportunity to have a representative help us understand perspectives from the manufacturers. Thank you, Mister President.

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

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Sorry to repeatedly rise, but I just wanted to take a moment, colleagues, just to let you know what we're trying to do with the commission and, also, to understand what the commission is doing as opposed to what a bill we're going to consider in a few minutes will be doing.

It was the concern in this bill that New Hampshire be well positioned to take advantage of the new technologies that are emerging in the automotive industry, and transportation industry, and particularly the economic advantages that are going to come from this in the future. The commission has members, as you will see; everybody who has an interest in this was included on the commission, and we've just added some more folks, as well. In particular under the duties I just want to note that it's not just electric vehicles, but there're also other zero emission infrastructures. So, if the commission choses it can look at the hydrogen powered vehicles as well. And then, also, you know, we'll look at what we need to do to have a suitable infrastructure for electric vehicles charging. While there may be relatively few of these vehicles yet in New Hampshire, the sales are growing quickly. And then particularly in eastern Massachusetts and in bordering states, who have large incentives for electric vehicles, there are many, many, many more being registered. And we'd like them to be able to, you know, get up to Conway and have a meal and know they can get their vehicle charged and get home. And, also, I've spoken to a head of one of our largest bus companies and said he's told his sons that in ten years they're going to have a fleet of all electric buses that they'll be running. So, we need to be ready for this in the trucking industry, as well.

We need to look at their availability on public property, as well. Where should they be on our highway system, and also if it's on public property should we make sure that there's not proprietary technology of one manufacturer or one type of automobile, but if it's on public property that everybody gets to use it. And where should they be in these corridors, and what partnerships might we have with other states? There's a western compact now of eight states that says that we will plan together as to where these will be so that people will know every certain number of miles on the highway system they can get it. We also, as other states look into, maybe we could look into whether we want to have any kind of tax credits offered for private rental or business installation of these.

And then, in general, look at changes needed to state laws, rules, practices, including building codes and public utilities commission rules to further develop a zero emission vehicle technology and infrastructure. I'm particularly here responding to a new study by Deloitte on the kind of revolutionary technology of electric vehicles, but more particularly in the battery storage issue. Deloitte says that as we get these networks out there, whether it's the wall in your house, or whether it's the batteries within these vehicles, that this may replace the need for peak demand generation facilities. And so that if we look at how not only the power goes into these vehicles, but how it might be drawn out of these vehicles and out of these batteries, and replace the need for our utilities to build peak demand stations.

And then, finally, the commission is going to look at funding sources. You know, we're unlikely to be putting state money into this, or very much, or any at all—other states do that—but I don't think that's what we'd do. We're going to look at some partnerships, look at available grants here, and the Volkswagen settlement—I want to applaud the Governor for his leadership and also the Senator from District 15, the Senator from District 3, and others who have been working on the Volkswagen settlement funding, which part of that settlement directs that some of it is directed towards electric vehicle charging stations.

So, I just want to take a few minutes to let folks who aren't on Transportation know that this is really an important economic part of the state's future, and we ought to get ourselves ready for it. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Mister President. Thank you for taking my question, Senator. Sitting on Ways and Means and watching our highway funds plateau, or perhaps start down as these electric vehicles come up. Would it be appropriate to include in that commission's study possibilities of taxing mechanisms for the electric vehicles that will not pay a gasoline tax that is the backstay of our entire transportation funding?

SENATOR WATTERS: Thank you for your question and it's a question that's been wrestled with in both bodies over the last few years. I think that really is more appropriately taken up as a separate issue, and here we need to figure out the electric vehicle charging infrastructure. And, as you say, as they come we're going to have to do something about the road toll, perhaps, but I think that's another discussion.

PRESIDENT MORSE: Not if it's going to be about taxes.

SENATOR WATTERS: No, that's why it's not here.

SENATOR GIUDA: Thank you, Mister President. And the question is not about any new tax, it's a question of replacing the tax that's not being funded, and not so much about the tax itself but about potential mechanisms on these charging stations that might enable the state to charge for a volt of electricity just as we charge for a gallon of gas. Just to include that discussion in the development of the technology.

SENATOR WATTERS: Thank you for the question. I thought it really... this commission needs to look at the infrastructure and not tax policy. But on your particular question of charging for the electricity and the capacity to do that, that is addressed in the bill we will be discussing in a few moments, Senate Bill 575.

SENATOR GIUDA: Thank you.

SENATOR WATTERS: Thank you.

SENATOR GIUDA: Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and poorly paraphrase President Reagan when he said if it's doing well, government wants to tax it; when it's not doing well, government wants to subsidize it; and if it's new, government wants to regulate it. I ask my members of the body to actually reject this bill. It is not our place because there's a new technology that people might decide that they want it for competitive reasons, or whatever, to put in charging stations. Shouldn't we be leaving that to the free market? There is no problem here. There's no problem here we're trying to solve. We're seeing electric cars come, we're seeing most manufacturers make them, we're seeing charging stations raised up everywhere. And, quite frankly, Mister President, I don't even know who approved the charging stations at the state of New Hampshire in the building because I don't remember seeing that in the budget, but they popped up anyway. So, why on God's green earth are we sitting here trying to create yet another commission to regulate how people live their lives; that now government's going to tell us where they can put their charging station, how big their charging station can be, what type of batteries they can use and what they can't use. Why don't we just let people charge? So, I ask the body to reject this commission as voting for it will clearly indicate your belief in government. Thank you, Mister President.

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

SENATOR INNIS: Would you believe that guests show up at our Inn with electric cars and expect to charge for free?

SENATOR SANBORN: Thank you so much for the question. Senator thanks so much for the question because I couldn't conceive with the amount of money you charge for a room that they would have any money left to pay for their own charging station.

SENATOR INNIS: Well, we will install one and there will be a surcharge for using it. And I think it's a perfect example of the free market at work. Thank you, Mister President.

SENATOR SANBORN: Thank you very much.

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 SB 517.

SB 520-FN, authorizing New Hampshire Food Bank to issue decals for multi-use decal plates.

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

Senate Transportation

February 14, 2018

2018-0617s

03/04

Amendment to SB 520-FN

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

AN ACT authorizing New Hampshire Catholic Charities to issue decals for multi-use decal plates to benefit the New Hampshire Food Bank.

Amend the bill by replacing section 1 with the following:

1 Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 to read as follows:

261-B:9 Authorized [Organization] **Organizations**. The **following organizations are authorized to issue decals under this chapter**:

I. Rotary District 7870 Foundation [~~is authorized to issue decals under this chapter~~].

II. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

2018-0617s

AMENDED ANALYSIS

This bill authorizes New Hampshire Catholic Charities to issue decals for multi-use decal plates to benefit the New Hampshire Food Bank.

SENATOR BIRDSSELL: Thank you, Mister President. I move Senate Bill 520-FN Ought to Pass with Amendment. This bill authorizes the New Hampshire Food Bank to issue decals for multi-use decal number plates. All of you are likely familiar with the great work that the New Hampshire Food Bank does in providing many New Hampshire citizens with the basic necessities. Allowing the New Hampshire Food Bank to issue decals will help them in continuing to raise awareness for this important cause. The committee amended the legislation to ensure that the proper tax identification name was listed for the legislation since the New Hampshire Food Bank is a subsidiary of New Hampshire Catholic Charities. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly, a subsequent motion will be offered that I hope each of you can support. This will ensure that all pieces of similar legislation are passed properly. All the members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 520-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Senator Bradley moved to Lay on the Table SB 520-FN. Adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 520-FN from the Table. Adopted. The pending motion is Ought to Pass with Amendment.

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

Senator Bradley moved to Lay on the Table SB 520-FN. Adopted.

SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.

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

Senate Transportation
February 14, 2018
2018-0623s
06/03

Amendment to SB 560-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Section; New Hampshire State Rail Trails Plan. Amend RSA 21-L by inserting after section 12-b the following new section:

21-L:12-c New Hampshire State Rail Trails Plan. The department of transportation, in cooperation with the department of natural and cultural resources, and in consultation with the regional planning commissions, shall update the New Hampshire state trails plan dated 2005 by June 30, 2020 and every 10 years thereafter, to include an up-to-date analysis of trail use. The updated plan shall be entitled the New Hampshire state rail trails plan. In updating the plan, the departments shall:

I. Hire a qualified consulting firm to complete and disseminate the plan.

II. Include a statewide economic-impact analysis on the value of rail trails.

III. Consider maintenance and cost of maintenance for rail trails, including responsibility of the state for the underlying structural integrity of abandoned rail corridors, while permitting trail organizations and towns to perform routine maintenance of trail surfaces and other amenities.

IV. Establish a tier system for prioritizing state investments in rail trail projects, based on criteria such as geography, connectivity to other rail trails, proximity to population centers and natural attractions, statewide and national significance, and other criteria as deemed appropriate. Develop recommendations for a state funding mechanism to support rail trail projects and the management structure of said fund.

V. Develop a template trail management agreement outlining responsibilities of state, local, and private organizations involved with management of state-owned rail trails.

VI. Compile and maintain a list of rail trail organizations and the areas of the state each serves.

VII. Identify best practices for acquiring insurance for volunteer rail trail management groups.

VIII. Document commitment by the state that it supports the development of rail trails for their transportation, recreation, tourism, and other economic value.

IX. Consider encroachment by abutting property owners and how to ensure the integrity of publicly owned rail trail corridors. This may include reestablishing property lines with abutting private property owners.

X. Establish a state rail trail plan advisory committee including but not limited to:

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

(b) The commissioner of the department of natural and cultural resources, or designee.

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

(d) Two representatives from the regional planning commissions, appointed by the governor.

(e) Two members of the state legislature, appointed by the president of the senate.

(f) Two representatives of regional chambers of commerce or trail related businesses, appointed by the governor.

(g) One representative from the division of state parks statewide trails advisory committee, appointed by the committee.

(h) One representative from the department of transportation complete streets advisory committee, appointed by the committee.

(i) One representative from statewide or regional bicycling or walking organizations, appointed by the governor.

(j) One representative from equestrian organizations, appointed by the governor.

(k) One representative of OHRV clubs, appointed by the governor.

(l) One representative of the New Hampshire Snowmobile Association, appointed by the association.

XI. Hold a minimum of 3 public hearings, each in a different area of the state, to solicit public comment to shape the plan and make the final plan available on the department of transportation website.

XII. Provide a pamphlet at state information centers regarding the state trails plan.

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 560-FN-L Ought to Pass with Amendment. This bill requires the Department of Transportation to update the state trails plan and makes an appropriation for this. The legislation also creates a project advisory committee for the updating of the plan. The committee amended the bill to correct all references of "trails plan" to the proper title, which is "rail trails plan." Say that three times fast. Updating the state rail trails plan is important for New Hampshire trail development in the future to ensure that there is proper space for all vehicles or bikes on trails and whoever else wishes to use these trails and utilize them, including animals. Both the Department of Natural and Cultural Resources and the Department of Transportation are in favor of this legislation and worked effectively together throughout a study committee to address these issues. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 560-FN. Thank you, Mister President.

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

SENATOR GIUDA: Thank you for taking my question. I'm in support of this bill, but my question is this: we're having significant difficulties with the DOT in the trail system throughout the state, throughout my district repeatedly, and, in fact, we have a meeting tonight in Tilton with DOT again. Is there any provision in this process for incorporating the voices of ATVs and snowmobile people that are also users of those trails, as DOT individuals, for the record, have specifically spoken against the use of ATVs on the trail system?

SENATOR GANNON: Might I defer to my Chair?

(The Chair recognized Senator Birdsell.)

SENATOR GANNON: Thank you.

SENATOR BIRDSELL: Thank you. Actually, yes, and in the bill, line... in the committee we put members of the OHRV clubs, snowmobile clubs, and appointed by the Governor. So they will be on the committee.

SENATOR GIUDA: Thank you, Madam Chair. 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 561-FN, relative to the installation of a traffic light or beacon.

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

Senate Transportation

February 14, 2018

2018-0624s

06/05

Amendment to SB 561-FN

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

AN ACT naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitri Gavriel bridge.

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

1 Town of Plaistow; Town of Atkinson; Lance Corporal Dimitri Gavriel Bridge. Pursuant to RSA 4:43, the bridge on Route 121 which spans the Little River and the Pan Am railway line on the border of the town of Plaistow and the town of Atkinson is hereby named the Lance Corporal Dimitri Gavriel Bridge. A suitable marker may be placed at the site of the bridge.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under section 1 of this act shall be approved by the department of transportation.

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

2018-0624s

AMENDED ANALYSIS

This bill names a certain bridge spanning the Little River between Plaistow and Atkinson the Lance Corporal Dimitri Gavriel Bridge.

Senator Bradley presiding.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 561-FN Ought to Pass with Amendment. As introduced, this bill would require the Department of Transportation to install a beacon at the intersection in Melvin Village. At the bill's hearing, the prime sponsor informed the committee that the issue had been resolved amicably and that there was no longer need for the legislation. However, the Senate President asked for a hearing on a replace-all amendment, which would allow for a bridge between Plaistow and Atkinson to be named after Lance Corporal

Dimitri Gavriel. After consultation with his family, they would prefer his name to read Dimitrios on the sign, and so I would like to offer a Floor Amendment after we take up the Committee Amendment to make that adjustment. It is my understanding that the Senate President will be speaking further to the incredible character and courageousness of Lance Corporal Gavriel following these actions. All members of the Transportation Committee ask for your support in passing the Committee Amendment on Senate Bill 561-FN. Thank you, Mister President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Mister President. I ask for your support of the Committee Amendment on Senate Bill 561. This legislation was actually the idea of an old friend, Chris Pignatelli, who has helped us to rightfully honor the great defender of our country. Lance Corporal Dimitrios Gavriel was the first in his family to be born in America. He attended Timberlane High School in Plaistow where he was a standout student, state champion heavy weight wrestler, and well known in his community. After high school Dimitrios attended and graduated from Brown University. He moved to New York in the early 2000s where he began a career as an investment analyst on Wall Street working for companies like Payne Webber, J.P. Morgan, and Bank of America. He had found early success in the banking industry, but was deeply affected by September 11th terrorist attacks. During the attacks two of his Brown fraternity brothers died in the World Trade Center. We know that Dimitrios was speaking to one of his friends on the phone while he desperately tried to escape from the building. As you can imagine, these events moved Dimitrios to leave his successful career behind on Wall Street to join the Marines saying that he owed it to his friends and others who had died in the tragic events on September 11th, 2001. Dimitrios shed nearly forty pounds from his six foot one frame to cope with the lingering knee and ankle injuries from wrestling in order to complete the grueling thirteen week Parris Island boot camp. He believed that he could be an active force in eradicating the wrong by joining the military. As Dimitrios' mom said, he joined during war time and he was so proud of that. Lance Corporal Gavriel's journey eventually led him to be deployed to Iraq where he actively fought in Operation Iraq Freedom. His parents learned that he was on the front lines of duty only weeks before his death, since Dimitrios did not want to tell them and have them worry about his role as a rifleman. On November 19th, 2004 Dimitrios sustained an injury to his leg and was in line to receive a Purple Heart. However, he chose to courageously return to his unit and continue to fight. Only eight days later he was killed by an explosion in a man-on-man fighting in Fallujah. As his parents have said, our only consolation is he went for a noble cause and his death was worthy of what he believed. It was a heavy price to pay but knowing him like we did he would've given his life to dismantle all of these ideas and ideals he held. Lance Corporal Gavriel was buried in Arlington National Cemetery and awarded two Purple Hearts by President George W. Bush. Memorials have been erected in his honor in New York and at Brown University. A scholarship fund has also been set up in his name at Timberlane High School. But today we are here to bring this hero and his legacy back to the place where he grew up. Naming a bridge over Little River between Plaistow and Atkinson after Lance Corporal Gavriel. It's just a small way that New Hampshire can honor and remember such an incredibly courageous man and a leader. His service to our nation and willingness to defend our freedoms has had a lifelong impact on his

friends and family, everyone in his community, and all of those he met. I'd like to share one last thing. After he passed away, Dimitrios' parents found that he had been keeping a journal of poems, and thought ever since he graduated from Brown University. His family released some of those writings that chronicled his life experiences. A twenty-three-year old Dimitrios wrote, "I have heard that great men often kept journals. I'd like to be one of the great men." I think that I speak for each of us in this chamber in saying that Dimitrios indeed became a great man and so much more. I hope you'll join me in supporting this legislation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

February 21, 2018

2018-0811s

06/05

Floor Amendment to SB 561-FN

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

AN ACT naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.

Amend the bill by replacing section 1 with the following:

1 Town of Plaistow; Town of Atkinson; Lance Corporal Dimitrios Gavriel Bridge. Pursuant to RSA 4:43, the bridge on Route 121 which spans the Little River and the Pan Am railway line on the border of the town of Plaistow and the town of Atkinson is hereby named the Lance Corporal Dimitrios Gavriel Bridge. A suitable marker may be placed at the site of the bridge.

2018-0811s

AMENDED ANALYSIS

This bill names a certain bridge spanning the Little River between Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel Bridge.

SENATOR BIRDELL: Thank you, Mister President. I'd like to introduce Floor Amendment 2018-0811s to update the spelling of Lance Corporal Dimitri Gavriel to Dimitrios recognizing the wishes of the family. I hope you will all join me in support of this amendment. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President and members of the Senate. I rise to humbly honor the family that reared this fine person,

the community that raised this fine person, and the nation that gave him the opportunity to serve. I mourn with his family as a Marine and as a member of this body, and I thank God that our nation continues to produce such men and women. Thank you, Mister President.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

President Morse presiding.

SB 575-FN, relative to electric vehicle charging stations.

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

Senate Transportation

February 14, 2018

2018-0620s

03/01

Amendment to SB 575-FN

Amend RSA 236:132, II-III as inserted by section 1 of the bill by replacing them with the following:

II. "Electric vehicle" means any battery electric vehicle, fuel cell electric vehicle, or plug-in hybrid electric vehicle.

III. "Fuel cell electric vehicle" means any vehicle that operates solely by use of a hydrogen fuel cell.

Amend RSA 236:132 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraphs VII-IX to read as VI-VIII, respectively.

Amend RSA 236:133, III as inserted by section 1 of the bill by replacing it with the following:

III. All publicly funded chargers installed after the effective date of this paragraph that are accessible to the public shall be networked to apply the Open Charge Point Protocol communication standard that allows charging stations and central systems from different vendors to communicate.

Amend RSA 236:133, V(a)(5)-(6) as inserted by section 1 of the bill by replacing them with the following:

- (5) Interruptible rates;
- (6) Load management techniques; and
- (7) Demand charges.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 575 Ought to Pass with Amendment. This bill establishes needed protocols concerning electric vehicle charging stations. As amended, the legislation creates needed definitions, similar to those adopted in

other states. Further, the bill sets forth standard signage as is provided by the Federal Highway Administration for electric vehicle charging stations. This legislation also ensures that any type of electric vehicle, as is current practice, will be able to be charged at any given station, not just a particular brand of car. The bill also includes guidelines on parking, and then needed policies by the PUC for charging electricity at charging stations. In other words that you're not a utility if you're selling electricity at your library charging station. And then also some language needed by the Public Utilities Commission that tariff documents for utilities would include language governing electricity resale; and also request that the PUC give some consideration in the next couple of years for how we're going to be setting electric vehicle charging station rates. As I mentioned earlier, electric vehicle infrastructure is extremely important for New Hampshire's economic future, transportation needs, and economic growth. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 575. 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 although I typically agree with much of my friend from District 4 says on a regular basis I have to question to myself how on God's green earth, since we're talking about green energy, do we have charging stations at the toll booth we have going northbound and southbound? How do we have charging stations all over this state if government hasn't come here today to tell us how to do it? It befuddles me that we have charging stations all over America today and government hasn't weighed in to tell us how to do it. So why are we making that decision today? So I'm not sure. Should we be taking the charging stations we have down? Are they illegal? Are they not working? Are we charging the wrong amount of money or, consequently, maybe we should reject this bill and let the free market continue to do what the free market does? Now for the record I'm not sure I would've launched a convertible into the atmosphere like the owner of Tesla did last month, but it's not our place to try to regulate absolutely every part of our life if it doesn't need regulating. If there's not a problem that needs to be solved I'm not sure we should be doing it. So with that, Mister President, clearly I'm not going to vote for this bill, and I hope the rest of the body does not as well because it's something we do not need to be regulating today. Thank you, Mister President.

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

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

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

The following Senators voted No: French, Sanborn, Morse.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 19 - Nays: 3. Adopted, bill ordered to Third Reading.

WAYS AND MEANS

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.

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

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 301 Inexpedient to Legislate. This bill sought to reduce the real estate transfer tax for first time home buyers. Without any offset for the revenue loss this bill would cause, a majority of the Ways and Means Committee did not feel comfortable moving forward with the bill. Given the amount of business tax cuts the legislature had already enacted, a cautious approach with regard to any further cuts to our state's revenue stream would be prudent. The Ways and Means Committee asks for your support of the motion of Inexpedient to Legislate.

Mister President, having read the prepared remarks on behalf of the committee, I would now encourage the body to vote no on ITL because a reasonable compromise amendment is forthcoming. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the final words from my good friend from Concord. In the sense of bipartisanship, I will be introducing an amendment if we overturn the committee ITL and move forward with this bill that I think will provide a small incentive for first time home buyers to come to New Hampshire, or if they're already here to stay in New Hampshire and purchase a home. Thank you, Mister President.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

February 22, 2018

2018-0820s

10/03

Floor Amendment to SB 301-FN

Amend RSA 78-B:1-b, II(a)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The purchase of residential real estate, the price of which does not exceed \$300,000;

2018-0820s

AMENDED ANALYSIS

This bill reduces, for a 2-year period, the rate of the tax on the transfer of real property for first time home buyers, provided the purchase price does not exceed \$300,000. The bill also requires the department of revenue administration to report on the usage of the reduced rate.

SENATOR BRADLEY: This amendment that I worked on with our friend from Concord sets an upper limit of a first time home of \$300,000 which means a maximum tax reduction of \$750 for a \$300,000 home. It's \$250 for every \$100,000 of value for the home. I think at that level we're actually targeting first time home buyers with a reasonable ceiling, but we're actually starting to talk about real money and a real inducement to purchase in New Hampshire. I would also note that the Department of Revenue is asked to do a study, if you will, of the impact of this incentive which lasts for two years. So, it's not long term, it's meant to be short

term. I know that there're some people in this room that wished they could've taken advantage of it, but let's get it passed and then see how it helps the market in New Hampshire and helps us attract millennials to our state. Thank you, Mister President.

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

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thought what might be a rhetorical question to the Senator of District 3, but being I think I have an understanding of how he'd answer the question I'm not sure I need to ask it. The committee, and I apologize to the body, I don't have my notes here and you guys know I like to actually look at my numbers before I talk about them. But if my memory serves, the average selling price of a house in New Hampshire is \$222,000 I think. And, if I remember right, and I encourage my committee members to correct me if I miss this, but I thought the fiscal note we had added up was going to be about \$7.5 million a year without a funding source to it; and although you know I typically like cutting taxes, my question to the Senator is, have you guys done an analysis of what the difference is capping at 300, knowing the average is 222, and that the fiscal note I think is about \$7.5 million a year, have you all done that analysis?

SENATOR BRADLEY: No, I haven't. Obviously, with a 3-2 Inexpedient to Legislate motion, I approached one of the three who voted Inexpedient, our friend from Concord, who we worked on this amendment together to try to get the support for the policy, and I thank you for having voted for it in committee so that we can move forward with this and provide some threshold over which the revenue loss will not exceed. So, it can only lower the revenue loss, but I don't know how much it is.

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

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

SENATOR GIUDA: Thank you, Mister President. I'm wondering if as an incentive to home buyers, first time, we might consider, instead of a number for the sale value, an exemption for the dollar value up to \$300,000. So someone might buy a house more expensive than that as a first time buyer, as an executive of a new startup, or something like that, that they would also benefit as a potential first time home buyer.

SENATOR BRADLEY: I think the thought in coming up with the amendment was that we're trying to protect the revenue of the state of New Hampshire but at the same time encourage the first time homebuyers that need the most help. And that's why the amendment was put forward.

SENATOR GIUDA: Thank you.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 404-FN-A, phasing out the tax on interest and dividends.
Ought to Pass, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 404 Ought to Pass. This bill will phase out the interest and dividends tax in New Hampshire over several years, incrementally lowering the current 5 percent tax rate by 1 percent each year starting in 2020 until it is fully phased out in 2024. This will provide widespread tax relief for a large segment of New Hampshire residents. Additionally, it will not disrupt the current revenue picture as it does not become effective until the next biennium. The hope is that this will help protect the financially vulnerable older population and encourage them to maintain residency in New Hampshire. The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the committee recommendation of Ought to Pass. We've had this conversation last year on a similar bill. However, the bill last year eliminated the interest and dividends tax right away, this one phases in the elimination of the interest and dividends tax. The evaluation, although I don't have a new evaluation this year from the Institute of Taxation and Economic Policy, based on the evaluation of last year's bill 80 percent of the benefits of getting rid of this tax go to the wealthiest 20 percent of Granite Staters—80 percent of the benefits to the wealthiest 20 percent. There's this notion that this is going to help financially vulnerable senior citizens in the Granite State. If that were the focus of this, then we would raise the exemption a little bit. But, that's not this bill. This bill is meant to get rid of this tax; it's going to cost in the next biennium a significant amount of money depending on your revenue estimates upwards of \$80 to \$100 million, and that's a hit that I don't think our budget can take especially in the midst of an opioid epidemic, a mental health crisis, education infrastructure and other needs that the state has. So, I would encourage us to vote down this. Last year we voted I think yes, and then moved to table at some point, but I would just encourage that we vote this down. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise to make a declaration that as noted in my financial filing I am subject to this tax, although I would not be, under this bill, affected any differently than anyone else who would be affected by the bill, so I will participate.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise for two things. One, to also declare, based upon our current ethics laws, which I continue to find are punitive to the business community, I am compelled to say that I may or may not have an impact to this bill but yet I'm still participating, and I'd like the opportunity to speak as well. Thank you, Mister President. So, what do we talk about? We hear the good Senator from District number 3 almost every week talk about what—

"The New Hampshire Advantage." And what do we talk about on "The New Hampshire Advantage?" We have no sales tax, and we have no income tax; that's what makes one of the things that makes New Hampshire such a special, special place. But the truth is we do have an income tax. So every time we hear someone say, or talk about "The Advantage of New Hampshire" of not having a sales or income tax, it actually is not a correct statement because we do tax some people's income. The interest and dividends tax—when you receive income from your retirement account we have a tax on that; that is a tax on your income. In this state it's 5 percent. We know, I personally, Mister President and members of this committee have had more conversations than I care to have in the past four or five years, I cannot remember the number of conversations I have had of people saying that they're moving their residence to Florida because Florida does not have a tax on income; they're exempt from that. We know that people with any level of means, especially those in retirement because they're not working every single week, have that ability to move wherever they want. And we see time and time again they're moving out of our state, and they're moving to places that do not have an income tax. So I believe, and yes to my good friend from Senate District number 15, that I have had several bills on this issue. I believe it's a very important issue for us.

Point number two is, we talk year after year—I prime sponsor these bills so I'm proud to say that I do; that I am here to cut people's taxes. I'm not here to hold the line; I'm here to give people their money back in their pocket. And we have done a tremendous amount to encourage economic development and watch the business community grow. I'm proud of it—good decisions; our economy's growing because of it. But we have done very little to actually cut taxes for every day hard working people or those in retirement. So this would be a vote to support those in retirement.

And the third thing, Mister President, I'm assuming if this bill does go to Finance, and hopefully it passes there, we'll be having this discussion, as well, showing a glaring problem, glaring problem with our fiscal note process today because I find it curious that my good friend from District number 15 would suggest this bill has \$100 million impact on a revenue stream that only brings in \$65 million. We see from the fiscal note that they actually suggested that the fiscal impact would be double the entire amount of the income that the state receives. At \$65 million if we've got 1 percent per year or five years it would have a fiscal impact of about \$13 million. But at one point in the fiscal note it says that it would have a fiscal impact of \$58 million. So, Mister President, I did not stay at a Holiday Inn last night but I cannot conceive how a fiscal note that cuts \$13 million that adds up to \$58 million, but I'm sure we'll be having that discussion at a later date.

But in the end good policy; good policy for us, good policy for the state we'll send a very clear message, and I'm fortunate Senator D'Allesandro is not here today because of all the work he's done in the trust industry—thirteen bills at this point, I think, this body has passed on a unanimous vote every single time. Every single year I have been here we have passed bills to encourage trust money to come to New Hampshire. We have brought in more business that almost any other industry we have seen while those same people now are saying the same thing. Why New Hampshire since you have an income tax? This is our opportunity to eliminate, finally, New Hampshire's income tax, and I would encourage the body to support it. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I'm just rising to declare that I am subject to this tax and may or may not be affected by the results, but I intend to participate.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I, too, am subject to the tax. I don't feel that it differs for me than any others, so I will participate, and I also rise to speak in opposition to this. You know, I can't imagine that President Reagan would disagree with this thought either. That if you were going to be cutting revenues we ought to be showing the taxpayers how we're cutting expenses so that we understand what the tradeoffs are. But I got to say there's something about our deliberations that really flabbergasts me, and it is that we're so willing to show a reduction in revenues without showing the taxpayers what the cost is. What are we giving up? So it's unknown. A hundred million there, \$100 million there, couple million...earlier today a few million more on a break for incoming people, new home buyers. I'm trying to keep track of this so that maybe I could be responsible to my taxpayers, but it's getting...how can I? It's just, it's hundreds of millions, and I don't see the impact. Moving to Florida from New Hampshire has to be for more than just the interest and dividends tax, I just venture. And we are already the state that ranks seventh in the per capita millionaires residing in our state. I think we've done pretty well by millionaires in this state. I don't think we need to do this, and I certainly am going to be voting against this motion. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you, Mister President. I rise, also, to declare a conflict of interest as I and my spouse are subject to the interest and dividends tax, but I don't believe any more than it would impact on others, and I intend to participate.

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

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

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: The quorum is how many today in the Senate?

PRESIDENT MORSE: It's the same 13 as always.

SENATOR SANBORN: Thank you. I think we were at 12 a minute ago.

PRESIDENT MORSE: You've got to count me.

Recess. Out of recess.

PRESIDENT MORSE: Just so you know, Senator Bradley, the Clerk says you have to sit in your seat even if you're not participating.

Recess. Out of recess.

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

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

The following Senators filed a Declaration of Intent: Bradley.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 12 - Nays: 9. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.

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

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 406 Ought to Pass. This bill requires state employees who have access to federal tax information from the IRS to complete a federal background investigation and criminal record check. The use of federal tax information is essential to the work of the DRA, and many other agencies, particularly related to audits and compliance, as well as DHHS Division of Child Support Services, Department Of Justice, Employment Security, Safety, Information Technology Service and more. Ultimately, every New Hampshire state agency will need to be in compliance with the IRS rule regulating requiring IT security as mandated by IRS publication 1075 to implement such background checks. This bill would amend the existing authority to complete federal background checks on new employees, while requiring ongoing background checks on current employees every ten years. One provision in this bill amends RSA 21-G which is the general executive branch statute that gives agencies that receive federal tax information the authority to complete federal background checks. The important thing to know is that this is a federal requirement and if New Hampshire does not take the necessary steps to be compliant, the state could lose access to federal tax information and that would severely inhibit agencies abilities to complete their work, which would have a negative impact on the state revenues, particularly with regard to the DRA. The Ways and Means Committee asks for your support for the motion 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 408-FN, licensing historic racing.

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

Senate Ways and Means

February 14, 2018

2018-0655s

08/04

Amendment to SB 408-FN

Amend RSA 284:15-e, I as inserted by section 5 of the bill by replacing it with the following:

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

Amend RSA 284:22-b, I(b)(1) as inserted by section 6 of the bill by replacing it with the following:

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

Amend the bill by replacing all after section 6 with the following:

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

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I move Senate Bill 408 Ought to Pass with Amendment. This bill establishes definitions and regulations for pari-mutuel wagering on historic horse races. In addition to boosting a struggling industry, this legislation will provide our citizens with a new form of entertainment; has the potential to benefit charities as well, specifically looking to 100 to 130 new jobs for 27 entities, \$6 million in additional state revenue, and \$2.5 million to the charities that will be affected. For those not familiar with the activity, historical horse racing offers the ability to wager on a race that has already taken place. A player is given certain handicapping information from which to base their wager, but no information is provided that would reveal the name of the horse, the jockey, or the date of the race or its location, until the race is complete. The Committee Amendment makes some minor technical corrections that were inadvertently left out of the original bill. It also changes the effective date to upon passage. The Ways and Means Committee respectfully asks for your support for the motion of Ought to Pass with Amendment. Thank you, and giddy up, 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 409-FN, relative to the taxation of moist snuff tobacco products. Interim Study, Vote 5-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 409 be referred to Interim Study. This bill would have established a tax for moist snuff as a tobacco product. The stakeholders have asked that the bill be referred to Interim Study as they continue to work together toward a more agreeable outcome for all parties. The Ways and Means Committee asks for your support for the motion of refer to Interim Study. Thank you, Mister President.

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

SB 565-FN, relative to aircraft registration fees and airways tolls. Ought to Pass, Vote 4-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I rise in support to move Senate Bill 565 Ought to Pass. This bill modifies registration and operating fees for aircraft and adjusts the distribution of operating fee revenue. Current practice relies solely on aircraft registration fees as the funding source for the Bureau of Aeronautics. This is both unsustainable and detrimental to the industry. Our aircraft registration fees are exorbitant compared to our neighboring states. As an example, Massachusetts charges \$300 a year. We have numerous instances where a similar aircraft would be charged, in a two year period, \$138,000. This is a disincentive to corporations to locate their headquarters here because they like their jets where they have their CEOs. Based on the current formula, folks with the largest, newest airplanes can pay up to \$300,000 a year for one year of registration; this is a significant disincentive. In Massachusetts, as I said, they have set the fee at \$300 per aircraft per year no matter what. This legislation is imperative in order to bring business back to New Hampshire. It establishes a reasonable, acceptable level of registration fees, and changes the funding scheme to one that is simple and forward looking. When more aircraft come to New Hampshire as a result of the bill, the increase in fuel sales will eventually make up for the lost revenue and surpass it. The Ways and Means Committee asks your support for the motion of Ought to Pass, and I thank you, Mister President.

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

SENATOR FELTES: Thank you, Mister President, and thank you, Senator Giuda, for taking my question. The fiscal impact to the Aeronautics Division of DOT is listed at least \$674,000 per year. How are they going to cope with that? Is there going to be layoffs? What's your solution to that division?

SENATOR GIUDA: The actual fiscal impact will be about a quarter of a million less than that because there's another source that we just required to be put into that—a Bureau of Aeronautics that the FBA required that was going to the general fund prior. So it's down closer to \$375,000 a year. Department of Transportation is going to have to “eat it” on this. Essentially, we either fix it or we're going to lose more aircraft. We have about 40 percent of our revenue generated by about four operators in the state. They have made noises, and I would as well. Look at this as an economic decision; we have had numbers of corporate aircraft leave or decide not to come. As recently as a month ago we had one aircraft worth \$22 million; because the fees were so exorbitant they chose to go where? To Hanscom Field. So, the revenue impact will be on DOT, and it will be up to DOT to resolve that issue. But, as I said, the fuel revenues will ultimately catch up to and then surpass that. I see that happening within three to four years at the most.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I rise in opposition of this bill. I've spoken with the Director from the Manchester Airport, and they oppose this because of the lack of funding for the Aeronautics Bureau. And, per the airport, they haven't had any complaints about registration fees; all of their hangers are full, and there is currently a waiting list for corporate jets. Lowering fees they feel would just divert funding away from the state, and I just ask you to oppose this bill. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in favor of the Ought to Pass motion. This is extremely significant, and I have been hearing it for years from owners in Nashua, airport people in Nashua, and I believe we've tried to do something about this for many years. And it brings in, or it can bring in significant income to the city of Nashua and our airport; and, without it the loss would be great. So I urge you to go with the committee's report of Ought to Pass. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise as I, obviously, chair Ways and Means. We've had a lot of conversations about this, and while I hear the concern that my friend from Concord has relative to where are we to make up \$300,000, I would submit to you that this is a train heading down the tracks already; that we're losing private aircraft, after private aircraft, after private aircraft because when the option is to pay \$300,000 in New Hampshire or pay \$300 in Massachusetts, that's beyond a simple question. Now the only thing that's giving us any, any hope, and save at this point, is we do know that corporations, and their corporate offices, and their CEOs do like to be near their aircraft, so they have access to it. But we are beyond punitive in our rates at this point; we're not even competitive, we're not in the right town. And we heard

testimony from some operations over at Pease Air Force Base, which the Senator from District 21 knows well, that right now is looking to purchase several, and when I say several we're talking double digit levels of private aircraft, and they're questioning whether or not we'll actually take delivery of them in New Hampshire or somewhere else. I look at this as actually an opportunity to generate money because we have to remember, Senator from Concord, there's two aspects from this. There's the annual registration, and that's all we're talking about here; but the second half of that is where an airplane is typically parked it needs fuel in order to run. So if we have that ability to go back and re-entice all of these aircraft to come back to New Hampshire, we have to consider what we will gain from the fuel tax on aviation fuel, what we'll gain from the servicing contracts, what we'll gain from the storage contracts, what we'll gain from all the other ancillary aspects of revenue of parking your shiny little jet in our state. So net, net, net, the committee does feel that the advantages of passing this bill will actually see an increase in revenue, although this specific section of that of just the registration fee might go down. I encourage the body to pass the bill. Thank you, Mister President.

(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. I have to agree with my colleagues from District 2 and 13 having toured the airports, having, over the last five years, heard about the dilemma that they're under I strongly support this bill. We've basically lost, I guess what you would call "market share" because we're out pricing ourselves, and we need to fix this dilemma. And I do believe that if we make this big fix there will be a huge effect on our economy, both Nashua and statewide. I believe there are about 200 airports in our state, from what I understand. But Nashua and Manchester being the largest of them, and Pease, I believe. But I just strongly ask the body to support this, and I would ask also for a roll call.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The issue is one of competition, okay? Corporations compete, or states compete for corporations to locate headquarters. And Massachusetts has absolutely crushed us deliberately with acts like \$300 no matter if it's a Gulfstream V that will go from here to Tokyo in 11 hours, or if it's an Accession 150. They have eliminated the sales tax on aircraft and aircraft parts. They want that aviation business in Massachusetts. We have to compete or we will continue to lose, and ultimately the funding structure will completely collapse. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Mister President, what we're doing here is giving owners of corporate jets a break, and in response the Department of Transportation is going to eat it; and so people are going to lose their jobs. I just think that if there's a plan, if there's a plan for the Department of Transportation to make them whole, I think it's reasonable. But, at least given the current construction of the bill, and in light of the fact that there isn't any forecasting, I think, that is credible to say that the revenue losses will be recouped through additional fuel tax, I just think it's not ready for prime time. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I, too, rise in opposition to this motion for many of the same reasons that were expressed

by my colleague from Senate District 16. We are talking about airports statewide, but I would point out that the Manchester Airport is the largest airport. Certainly part of my district, and I would say one of the major economic drivers in our state. They have grave concerns about this legislation because of what it would do to the Department of Transportation. I would also point out that unlike other state agencies, the Department of Transportation's funds primarily come from the highway fund. The use of highway funds is restricted. They are not able to transfer those funds for other uses, and for those reasons I would also oppose this legislation and encourage my colleagues to do the same. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I think what we have here is the classic definition of a death spiral; and I think our friend from Nashua, and our friend from Nashua really identified it. And what are we talking—several hundred thousand dollars. I mean, let's not be penny wise and pound foolish. If we want to attract corporate headquarters here let's not, you know, shoot the messenger. Let's make sure we bring the airplanes back. That's what this bill does. Thank you.

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

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

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

The following Senators voted No: Hennessey, Feltes, Cavanaugh, Soucy.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 18 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 586-FN-A-L, relative to casino gambling.

Interim Study, Vote 3-2. Senator Sanborn for the committee.

Senator Sanborn moved to Lay on the Table SB 586-FN-A-L. 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.

HEALTH AND HUMAN SERVICES

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

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

Health and Human Services

February 15, 2018

2018-0659s

05/04

Amendment to SB 484

Amend RSA 161:13, I(a) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 161:13, III as inserted by section 1 of the bill by replacing it with the following:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the 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. The senate health and human services committee staff shall provide clerical, administrative, and research services to the commission as may be needed.

SENATOR FULLER CLARK: I'm so sorry. Thank you very much; I should've been paying closer attention. We were talking about 484—establishes a commission to address child hunger in New Hampshire, and without this legislation, which will reestablish the Commission to Address Child Hunger in New Hampshire, the commission will not be able to continue to approve ways to reduce child hunger in our state. Currently more than 20 percent of our children go to bed hungry every night, and the number has been increasing. Thank you very much.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
February 21, 2018
2018-0776s
05/03

Floor Amendment to SB 484

Amend RSA 161:13, III as inserted by section 1 of the bill by replacing it with the following:

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

SENATOR BRADLEY: Thank you very much, Mister President. When this bill was heard by the Health and Human Services Committee, I missed the fact that the staff person, that would be Kyle, would have been assigned to this committee; that's not normally what we do for these commissions. This amendment corrects that. Thank you.

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

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 512, relative to compact sections of towns.

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

Public and Municipal Affairs
February 14, 2018
2018-0651s
06/01

Amendment to SB 512

Amend the bill by replacing section 1 with the following:

V.(a) The commissioner of transportation may establish compact sections in the following cities and towns:

Amherst Keene
 Bedford Laconia
 Berlin Lebanon
 Claremont Londonderry
 Concord Manchester
 Derry Merrimack
 Dover Milford
 Durham Nashua
 Exeter Pelham
 Franklin Portsmouth
 Goffstown Rochester
 Hampton Salem
 Hanover Somersworth
 Hudson

(b) The commissioner of transportation may establish compact sections in such other cities and towns as agreed between the department and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality.

SENATOR WARD: Senate Bill 512, relative to compact sections of towns. This bill, as amended, permits the commissioner of transportation to establish compact sections in cities and towns upon request of the municipality without having to make improvements to the road first.

(The Chair recognized Senator Gray.)

SENATOR GRAY: I would ask the body to vote down the Committee Amendment. The Committee Amendment is missing the sentence that would tell you which RSA that it amends. So I would ask you to vote that down so that we can have a Floor Amendment that will correct that situation.

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

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
 February 21, 2018
 2018-0809s
 06/01

Floor Amendment to SB 512

Amend the bill by replacing section 1 with the following:

1 Highway System; Establishing Compact Sections by Agreement with Municipalities. Amend RSA 229:5, V to read as follows:

V.(a) The commissioner of transportation may establish compact sections in the following cities and towns:

Amherst Keene
 Bedford Laconia
 Berlin Lebanon
 Claremont Londonderry
 Concord Manchester
 Derry Merrimack
 Dover Milford
 Durham Nashua
 Exeter Pelham
 Franklin Portsmouth

Goffstown Rochester
 Hampton Salem
 Hanover Somersworth
 Hudson

(b) The commissioner of transportation may establish compact sections in such other cities and towns as agreed between the department and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality.

SENATOR GRAY: I move amendment 2018-0809s. This corrects the error that we had, and adds, if you look at the amendment lines 2-4 in there which now does tell you which RSA is being amended. 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.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Birdsell: SB 503
 Senator Bradley: SB 404-FN-A
 Senator Daniels: SB 503
 Senator Fuller Clark: SB 404-FN-A, SB 565-FN
 Senator Giuda: SB 503
 Senator Gray: SB 503
 Senator Hennessey: SB 404-FN-A
 Senator Lasky: SB 404-FN-A
 Senator Sanborn: SB 301-FN, SB 334-FN, SB 337, SB 341, SB 357, SB 361, SB 368, SB 389, SB 398, SB 404-FN-A, SB 406-FN, SB 408-FN, SB 409-FN, SB 424, SB 425, SB 430, SB 431, SB 438, SB 468-FN-A, SB 479, SB 480, SB 484, SB 485, SB 490, SB 493, SB 494, SB 495, SB 502-FN, SB 503, SB 512, SB 514-FN, SB 515, SB 516, SB 517, SB 518, SB 519, SB 520-FN, SB 523-FN, SB 524-FN, SB 544-FN, SB 547, SB 560-FN-L, SB 561-FN, SB 565-FN, SB 570-FN, SB 575-FN, SB 576-FN, SB 586-FN-A-L, SB 591-FN
 Senator Watters: SB 404-FN-A
 Senator Woodburn: SB 334-FN

LATE SESSION

Third Reading and Final Passage

SB 334-FN, relative to temporary licenses for occupations and professions for persons from other states.

SB 341, relative to the veterans' property tax credit for service-connected disability.

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.

SB 389, relative to administrative fees on restitution.

SB 398, relative to information contained in certain motor vehicle records.

SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.

SB 424, relative to property and casualty insurance.

SB 425, relative to limited liability companies.

SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

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

SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.

SB 493, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols.

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.

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

SB 512, relative to compact sections of towns.

SB 514-FN, establishing a commission to create a New Hampshire recovery memorial.

SB 515, relative to commemorative license plates.

SB 516, prohibiting motorcycle-only checkpoints.

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

SB 518, relative to agency reports of real property owned or leased by the department.

SB 519, relative to the purchase of property for the construction of roads.

SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.

SB 544-FN, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund.

SB 561-FN, naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.

SB 575-FN, relative to electric vehicle charging stations.

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

HB 1217, amending the certification requirements for school nurses.

HB 1227, relative to an unattended idling vehicle on private property.

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

HB 1243, relative to exemptions from property attachments.

HB 1247, relative to administering oaths to certain state officers.

HB 1252-FN, relative to certificates of insurance.

HB 1265, relative to the release of criminal conviction records.

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.

HB 1281, establishing an executive order registry.

HB 1283, prohibiting sobriety checkpoints.

HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.

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

HB 1288, relative to petitions for annulment.

HB 1289, relative to trespassing domestic fowl.

HB 1303, relative to the purposes of revolving funds in towns.

HB 1304, relative to the authorization for forensic audits by a county convention.

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

HB 1329, relative to eyewitness identification procedures.

HB 1335, relative to the cybersecurity software used by the state of New Hampshire.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license.

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.

HB 1361, relative to county audits.

HB 1374, relative to financial regulation technicals.

HB 1401, relative to the New Hampshire accountancy act.

HB 1404, relative to the competing harms defense.

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

HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.

HB 1425-FN, relative to simple assault.

HB 1441-FN, establishing the office of the ombudsman in the department of state.

HB 1446, relative to childhood cancer awareness month.

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

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

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

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

HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.

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

HB 1494, relative to the definition of academic standards.

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