

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

April 19, 2018

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

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

Let us pray.

God, we just take a moment to slow ourselves down from the business of getting to this meeting. We settle our minds, we settle our hearts, and we just take a deep breath in understanding that today's a new day, and everything's new each morning. We change our minds now, Lord, just to kind of appreciate these senators who give so much of themselves to the citizens of this state of New Hampshire, and for that, God, we just pray a special blessing on them, prosperity on them. They have given of their time, their resources to serve this state and the people that reside in it. We thank you. There's some work to be done, Lord, today, and we just ask for your wisdom, your discernment, your guidance, your direction, to know that the decisions that are made in this room affect many people; so let us have compassion, let us have grace. Let our words be filled with grace. May the words of our mouth and the meditations of our heart be pleasing to you, O Lord. Amen.

Senator Cavanaugh led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I am so pleased today to welcome our page from Enfield, New Hampshire which is a wonderful town where I used to actually work at the Enfield Village School. She's sixteen years old, in tenth grade and is attending Mascoma Valley Regional High School. Her favorite subject is history. She's involved in many activities in her school community, as am I, including student council, drama club, interact club, concert band and jazz band. She had representative position on her class council and she's the treasurer of the interact club. In concert and jazz band she plays the trombone and for the Memorial Day parade she's playing the sousaphone. Wow! That's great. In the future she plans to major in a political or a historical subject for her college degree. This would hopefully lead to a career in either field if she were to pursue politics, her dream position would be secretary of state. If she were to pursue history, she would want to be an anthropologist. Either way she's going to do great things. (Chase Johnson)

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. I am pleased to introduce to the Senate Cameron A. Titus, age seventeen and in grade eleven at Kearsarge Regional High School. Favorite subjects in school are

social sciences, politics and history. Extracurricular activities, Youth in Government, the Penn and Yale Model Congress. See as I didn't know what those things were, I asked him, and these are events held by these institutions with the aim of simulating the legislative process of our Federal Government with students interested in learning, modeling and participating in a mock session of government. Cameron volunteers for NEHSA, which stands for New England Healing Sports Association where he assists instructors helping people with physical disabilities, such as amputations or cerebral palsy, for those people to have the opportunity to be on a ski slope and enjoy the outdoors. He is passionate about the social sciences, a more specific scope of his passions include politics, especially public policy, economics, finance and law. In addition to this he also holds down a job. Life has to be balanced, we all know that, and Cameron has learned that. So to offset all the academics, Cameron enjoys skiing, music, particularly 80's rock and roll, movie soundtracks and instrumentals. Welcome to the Senate.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EDUCATION

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

SPECIAL ORDER

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

COMMERCE

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

HB 1690-FN, relative to liquor licenses.

EDUCATION

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

ENERGY AND NATURAL RESOURCES

HB 1402, relative to ordinances regarding forestry activities.

HEALTH AND HUMAN SERVICES

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

JUDICIARY

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

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: For an inquiry, I guess. Asking, I had on my notes that House Bill 1636 and 1627 were also on my special order list, so I'm just asking for confirmation. Was it 1627, I apologize? I had 1636—Mister President, I apologize. There seems to be some confusion on the floor, could you do the list again? My apologies, some of us seem confused out here.

PRESIDENT MORSE: Senator Sanborn 1627 was one of them, what was the other one?

SENATOR SANBORN: I apologize, Sir. I apologize so if I could do it over again. I've got in Commerce was 1285 and 1692, in Education it was 1498 and 1636, in Energy it was 1402, in ED&A I don't have anything, in Finance I had—

PRESIDENT MORSE: Go back to Commerce, Senator Sanborn. Was it 1690, not 1692?

SENATOR SANBORN: I apologize, Sir, 1690?

PRESIDENT MORSE: Okay, I think we got them all.

SENATOR SANBORN: And then Finance 1822?

PRESIDENT MORSE: No, we don't have anything in Finance.

SENATOR SANBORN: I'm not wearing my glasses, so I apologize for that. And then 1627 in Judiciary.

PRESIDENT MORSE: I think we got them all but we're giving you a copy of the list.

SENATOR SANBORN: Thank you, Sir.

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: I'm still not clear as to which bills are special ordered. Could we go through that list one more time, because I, much like my colleague from District 9 had several other bills that you never mentioned, and I think before we move on we should all be on the same page, if we may.

PRESIDENT MORSE: Okay, in Education there's two Education bills, but the first one is special ordered to the next session, House Bill 1636.

So without objection the following bill is special ordered to the next session, House Bill 1636 in Education.

Without objection the following bills are special ordered to Thursday, May 3rd. In Commerce, House Bill 1285, House Bill 1690, in Education House Bill 1498, in Energy House Bill 1402, in Health House Bill 1822 and in Judiciary House Bill 1627.

FN REPORT FOR APRIL 19, 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:

ENERGY AND NATURAL RESOURCES

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.

HB 1777-FN, relative to energy infrastructure corridor revenue.

HEALTH AND HUMAN SERVICES

HB 1746-FN, relative to the practices of pharmacy benefit managers.

HB 1769-FN, relative to maintenance of certification by physicians or applicants for

a license to practice medicine in New Hampshire—if Interim Study recommendation is overturned.

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

REGULAR CALENDAR:

COMMERCE

HB 1690-FN, relative to liquor licenses.

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.

HB 1719-FN, relative to donations of liquor to nonprofits.

HB 1720-FN, relative to the storage of beverages produced by contract brewers.

HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

EDUCATION

HB 1698-FN-L, relative to the cost of special education services for foster children.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1506-FN, relative to regulation of graduate physicians.

HEALTH AND HUMAN SERVICES

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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

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

JUDICIARY

HB 134-FN, relative to causes for divorce.

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

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

HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

HB 1788-FN-L, relative to costs charged under the right-to-know law.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1473-FN, relative to the timber yield tax.

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.

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

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES

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

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

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

HB 1427-FN, relative to membership in the retirement system for certain officials.

JUDICIARY

HB 1316-FN, relative to revenue collected from concealed carry licenses. Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills which are still in their respective committees:

COMMERCE

HB 1578, (New Title) relative to samples from nano breweries.

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

HEALTH AND HUMAN SERVICES

HB 1562-FN, (New Title) relative to the role of foster parents.

HB 1816-FN, relative to Medicaid managed care.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

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

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

ENERGY AND NATURAL RESOURCES

HB 1289, relative to trespassing domestic fowl.

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

This legislation establishes a penalty for trespassing domestic fowl and requires enforcement by local law enforcement officials. The bill seeks to protect one's property rights from a neighbor's trespassing domestic fowl. This bill does not prohibit the ownership of domestic fowl on one's own property.

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.

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

This bill repeals the repeal of the NH Pollution Prevention Program of the NH Department of Environmental Services. The NH Pollution Prevention Program assists small businesses in preventing pollution and understanding compliance with environmental regulations. The program was established in 1996 with a repeal date of July 1st, 2002. The program's repeal has been extended twice due to its positive feedback. The committee believes it is important to maintain this regionally and nationally recognized program to assist New Hampshire's small businesses and organizations.

HB 1777-FN, relative to energy infrastructure corridor revenue.

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

New Hampshire has designated four energy infrastructure corridors for the siting of large energy projects along I-89, I-93, I-95, and NH Route 101. Current statute requires that a developer's lease

payments for the use of these corridors go into the state highway fund. However, parts of the corridors are on state turnpikes rather than state maintained highways. This bill corrects an oversight and ensures that any lease payment generated from the use of land on a turnpike will be placed in the turnpike fund.

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.

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

This bill establishes a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. The Committee to Study Temporary Seasonal Docks from the last legislative session examined seasonal docks, but found them to be part of a larger problem in the management of structures in non-tidal waters. This study commission would review the way New Hampshire's non-tidal public waters are utilized, their importance to various aspects of the economy, and the criteria and processes under which individuals and businesses are authorized to install structures within them.

HEALTH AND HUMAN SERVICES

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

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

This bill allows the Department of Health and Human services to contract with one or more physicians, who have been certified as addiction specialists, to review medication assisted treatment for opioid dependence. Such physicians would be responsible for providing consultation and guidance to the department. Passage of this legislation is just one more step in increasing mental health and drug addiction services in the state.

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

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

This bill requires the department of environmental services and the department of health and human services to establish a protocol to share data regarding health and environmental information collected by each agency. This will ensure we are using our resources to protect the health and safety of our citizens. The amendment which had its own hearing would provide funding to the Department of Business and Economic Affairs to assist them in relocating their offices to a space more conducive to the job they have been tasked to do.

Health and Human Services

April 11, 2018

2018-1465s

05/04

Amendment to HB 1356

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

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

Amend the bill by replacing all after section 1 with the following:

2 Department of Business and Economic Affairs; Appropriation: Relocation and Lease Costs. The sum of \$75,000 for the fiscal year ending June 30, 2018, and the sum of \$392,304 for the fiscal year ending June 30, 2019, are hereby appropriated to the department of business and economic affairs for the costs of relocating the department's operations to a new premises and for the costs of leasing the premises. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2018-1465s

AMENDED ANALYSIS

This bill:

I. Requires the department of environmental services and the department of health and human services to establish a data sharing protocol regarding certain health and environmental information collected by each agency.

II. Makes a supplemental appropriation to the department of business and economic affairs for relocation costs.

HB 1577, relative to the administration of anesthesia by dentists.

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

This bill regulates a dentist's use of anesthesia, sedation and moderate anesthesia as well as holding dentists accountable for professional misconduct. Comprehensive guidelines are given to dentists to ensure safety for patients as well as clarity for dentists. This will ensure that dentists have the proper training and oversight necessary to be providing anesthesia to patients in an in office setting.

Health and Human Services

April 11, 2018

2018-1471s

10/05

Amendment to HB 1577

Amend RSA 317-A:12, XII-a(g)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt dentists who are board eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery from this requirement.

Amend the introductory paragraph of RSA 317-A:12, XII-c as inserted by section 1 of the bill by replacing it with the following:

XII-c. The use of minimal anesthesia in patients undergoing dental treatment under RSA 317-A:20, including:

HB 1746-FN, relative to the practices of pharmacy benefit managers. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill prohibits certain practices of pharmacy benefit managers until June 30, 2020. There was concern with a practice of pharmacy benefit managers requiring accreditation of pharmacies in order to fill prescriptions for certain drugs. These accreditation processes were often costly and onerous to pharmacies. This legislation would prohibit the practice until June 30, 2020 while the stakeholders work together to find a solution for the problem.

HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill prohibits differentiating among physicians based on maintenance of certification. The committee heard testimony that the certification board is continuing to work on making the recertification process more efficient and relevant to provider's specialties. The motion of interim study would allow the stakeholders to continue to try and find a compromise and bring future legislation forward.

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill establishes a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. The committee heard testimony that municipal and private ambulance providers have difficulty in recovering payment from insurance carriers, and that patients receive bills from ambulance providers for costs that are not reimbursed by insurance. This bill, with the amendment, establishes a committee to study insurance payments to ambulance providers and balance billing to patients by ambulance providers.

JUDICIARY

HB 1265, relative to the release of criminal conviction records. Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill clarifies the law to permit the release of New Hampshire criminal conviction records to a defendant in a criminal proceeding or counsel for such defendant. Although it is regularly done, this will simply codify the practice of releasing these records to a defendant's counsel, ensuring the appropriate individuals have access to necessary records.

Senate Judiciary
April 10, 2018
2018-1430s
04/03

Amendment to HB 1265

Amend the bill by replacing section 1 with the following:

1 State Police; Criminal Records. Amend RSA 106-B:14, I-a(a) to read as follows:

(a) No individual, or public or private agency receiving criminal conviction record information from the division shall resell, rent, trade, transfer, make available, or otherwise disclose such information to an-

other person for any purpose, other than to a client of the individual, ***a defendant in a criminal proceeding or counsel for a defendant in a criminal proceeding***, or public or private agency, without permission of the director.

2018-1430s

AMENDED ANALYSIS

This bill permits the release of criminal conviction records to a defendant in a criminal proceeding or counsel for the defendant.

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

REGULAR CALENDAR

COMMERCE

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

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

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 523. The collection of biometrics, including fingerprints, DNA and face recognition, as well as ready photographs is becoming more and more a part of society. Biometric identifiers are unique to individuals. They are more reliable in verifying identity than token and knowledge based methods. However the collection of biometric identifiers raises privacy concerns about the ultimate use of this information, especially in regards to stealing someone's biometrics. This bill creates a study committee that will examine the issue and make recommendations on rules and limitations on biometric collection. Please join the committee in voting House Bill 523 Ought to Pass. Thank you, Mister President.

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

HB 1322, relative to risk-based capital for health maintenance organizations.

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

SENATOR SOUCY: Thank you, Mister President. When this statute was originally adopted in 2000, it combined the National Association of Insurance Commissioners, NAIC, model laws for risk-based capital and for health maintenance organizations. In doing so, HMOs were defined under life and health insurers for the purpose of calculating their RBC reports. The Insurance Department now understands that HMOs should actually use the same formula as property and casualty insurers for these calculations, in accordance with the model laws for HMO. This bill makes that correction and also amends the definition of life and or health insurer to clarify that HMOs use a different formula when it comes to calculating RBC. Please join the committee in voting House Bill 1322 Ought to Pass. Thank you, Mister President.

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

HB 1407, repealing the prohibition on the use of milk containers.

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

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass on House Bill 1407. This bill repeals the prohibition on the use of milk containers for substances other than milk. There is a memorandum of understanding between the Health and Human Services Department and the

Federal Government that adopts the federal pasteurized milk ordinance so it does not include a financial penalty. Please join the committee in voting House Bill 1407 Ought to Pass, so that milk containers can finally be given their just due. Thank you, Mister President.

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

HB 1660, relative to delinquent accounts of liquor licensees. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1660. When a retailer purchases a product from a beverage wholesaler, they have a limited amount of time to pay their bill. When they don't pay their bill within the prescribed time frame, the beverage wholesaler adds them to the delinquent account list. That delinquent account list is updated every day. It's sent from the commission to all of the wholesalers across the state and they are told that this business is in arrears and you cannot deliver to this entity until they clear up their debt. Under the current statute they're required to pay only by cash or check at the site of the wholesaler. This bill allows liquor licensees to use credit or debit cards to pay fees on delinquent accounts. This will allow licensees who are ready to pay their fees to continue to receive deliveries. Please join the committee in voting House Bill 1660 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, as a licensee I stand to say that this may or may not affect me and thankfully it does not affect me, but as a licensee I feel compelled to say it could or not based on our ethics rules, I'll still participate.

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

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.

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

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1692. This bill allows a liquor licensee to select an anniversary month for renewal. This convenience helps an entity to consolidate multiple licenses that they may hold. This bill also adds a requirement that such selection may only take place after one year of initial licensure, and the renewal month may not be changed again for a period of three years. Please join the committee in voting House Bill 1692 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Thank you, Mister President. I rise as a licensee under the liquor laws and again based on our ethics, I feel compelled I need to say that it may or may not affect me, I do not believe it affects me but I'm still participating anyway.

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

HB 1719-FN, relative to donations of liquor to nonprofits.

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

Commerce
April 11, 2018
2018-1481s
08/04

Amendment to HB 1719-FN

Amend the bill by replacing section 2 with the following:

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

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1719. This bill allows any New Hampshire non-profit entity to receive donations of beer, wine or liquor from New Hampshire licensees to be sold or given away at an event sponsored by the non-profit entity. Current practice is when the non-profit holds a fundraiser and a sponsor wants to donate liquor, beer or wine to the event, the non-profit must purchase the alcohol from a state liquor store and then a sponsor may reimburse that non-profit for the price of the alcohol. It's a tedious practice for all involved. Many non-profit organizations will benefit from this legislation which will streamline the process by opening doors to vendors supporting community organizations. Please join the committee in voting House Bill 1719 Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, again I apologize keep rising so much but on the good part we won't have to do this much longer, based on the fact I am a liquor licensee and every bill we have today seems to be about liquor licensees, based on our current ethics laws I may or may not have a conflict but I'm still participating.

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

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise again I already indicated that I may or may not have an ethics conflict based on our current ethics laws I was the one vote against this not because I'm against allowing liquor organizations any liquor organization to provide alcohol to a charity, in fact I think I was co-sponsor of a bill to do this, I think two or three years ago, Mister President. So it's a concept I support. The problem is as we see on a regular basis when the camel's nose slides so easily under the tent, that the next year comes and it's play ball for everyone, everywhere, anytime, anyhow.

In this case it's not the concept as to whether or not we should allow people to donate alcohol to a charity event, it's that this bill specifically is essentially limitless. The fact that any charity in the state of New Hampshire and we have more charities in the state of New Hampshire I think than any per capita than any state in America, can up to twelve times a year get an unlimited amount of alcohol from every single source that's potentially available.

Now do I believe that everyone's going to abuse this? I do not believe everyone's going to abuse this. But I think this legislation as it's presented in front of you today is too much, too hard, too fast and we need some level of guard rails, because in the worst case, a non-profit could call up a alcohol company and deliver a tractor trailer truck of product to a charitable event every single month and that will be allowed under this law. Is that really what we're trying to do here? Or are we trying

to say there's a charitable event and they need a case of wine to raffle off because they're trying to raise money for a good purpose? So again I caution the body, this is one of those cases where beyond any question this bill, if taken to the level that we're about to pass, because I believe the bill passes, has truly, truly far reaching ramifications and as a result of that I just can't support it even though I support the concept in a more limited fashion. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. While I appreciate the Senator's remarks, I do feel that this bill has sufficient guardrails in place and while theoretically one could donate a fifty-three foot trailer of product to a charity, I find such a situation highly unlikely. As an example of the guardrails that are in place; if someone wanted to donate alcohol to the University of New Hampshire, there is only one place that can receive it. A fraternity cannot, a sorority cannot, no other entity, other than conferences and catering. Once they receive the product, to serve it they have to request a license from the Liquor Commission for the event at which they'll be serving. So that is a very substantial guardrail that is in place, in that we need the approval of the Liquor Commission to actually serve this. So I find it highly unlikely, improbable, maybe impossible, that there would be a significant abuse of this particular rule. So I hope you'll continue to support the bill and urge you to vote Ought to Pass.

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

HB 1720-FN, relative to the storage of beverages produced by contract brewers.

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

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1720. This bill will add the term contract brewer to our statute. Contract brewing occurs when a business hires another existing brewery to produce its beer known as the contract brewer. The contract brewer must have title to the ingredients throughout the manufacturing and shall be responsible for keeping brewery records and labeling the beer. Obtaining necessary COLA's and paying necessary tax on the beer manufacture. Title to the beer passes to the party contracting to the beer production only after tax payment and removal from the brewery.

The party contracting the contract beer need not have its own physical brewery. Still, sometimes a business may choose to retain all the brewery responsibilities and produce beer via the lease of another existing brewery's premises and equipment. In this situation the business is a tenant brewer and it operates through a host brewer in an arrangement called an alternating brewery prior already shipped. Here the two parties alternate use of the brewery and both are separately involved in the manufacture of beer. And this gets even more interesting. The benefit of these alternate brewing arrangements is they allow brewers to save money on fixed costs such as rent and salaries for additional employees, and send more money on activities such as marketing. In addition using an existing brewery may help a brewer meet market demand. If a brewer does not have enough manufacturing capacity itself, leasing the premises of another brewery or hiring other brewery to produce its recipe and will enable further production and a vast increase in output. Please join me and the committee in Ought to Pass on House Bill 1720. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I'm going to wrap these up as quick as I can. Based upon the fact I am a liquor licensee and based upon our current ethics laws I feel compelled I must say I may or may not have a benefit although no benefit that's be more than any other licensee but compelled to declare and I am participating. Thank you.

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

Recess. Out of recess.

HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

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

Commerce
April 10, 2018
2018-1482s
08/10

Amendment to HB 1725-FN

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

AN ACT relative to beverage manufacturers and nano breweries and defining table wine.

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

1 Table Wine; Definition. Amend RSA 175:1, LXIX to read as follows:

LXIX. "Wine-table" means a product obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing ~~[more than 6 percent but not]~~ **no** more than 18 percent alcoholic content by volume at 60 degrees Fahrenheit. The commission may approve as a table wine a higher alcoholic content product, not to exceed 24 percent, that is obtained in the same manner.

2 Sales for Consumption; Beverage Manufacturers. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label **per person and 2 pints** per person. **A maximum of 48 ounces total may be served to a person for consumption on the premises.**

3 Sales for Consumption; Nano Brewery. Amend RSA 178:12-a, II(e) to read as follows:

(e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label **per person and 2 pints** per person. **A maximum of 48 ounces total may be served to a person for consumption on the premises.**

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

2018-1482s

AMENDED ANALYSIS

This bill expands the definition of table wine and allows beverage manufacturers and nano breweries to sell one sample per label and 2 pints per person for consumption on premises with a maximum of 48 ounces per person.

SENATOR INNIS: Thank you, Mister President. As passed by the House this bill allows wine manufacturers to serve samples of wine on premises and allows such manufacturers to serve two five-ounce samples if they serve food. This bill also allows beverage manufacturers to provide a sixteen-ounce sample for consumption and allows such manufacturers to serve two sixteen-ounce samples if they serve food. The committee amended the bill to the Senate version known as Senate Bill 418 which expands the definition of table wine and allows beverage manufacturers and nano breweries to sell one sample per label and two pints per person for consumption on premises with a maximum of forty-eight ounces per person. I would ask the Senate however to please overturn the Ought to Pass on the amendment so I may offer a Floor Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise as a liquor licensee under these current statutes and the 170s, I'm not sure this would affect me but I plan to participate.

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

SENATOR DANIELS: Looking at line 27 of the amendment, that no wine shall be served or consumed on the premises except that which is manufactured by the licensee on the premise. How does this work with the bill that we passed last year that allowed remote tasting locations?

SENATOR INNIS: I'm not certain I can answer that question, Senator. I might defer to Senator from District 3, but I cannot answer that question. I'm sorry.

SENATOR DANIELS: Thank you.

PRESIDENT MORSE: Senator Bradley, do you want to take a stab at it?

SENATOR BRADLEY: Thank you, Mister President. My understanding is that, well first of all I don't believe we've gotten to the Floor Amendment.

PRESIDENT MORSE: Senator are you questioning the committee amendment or are you questioning an amendment that yet doesn't exist?

SENATOR DANIELS: I thought we were talking about the amendment, I'm sorry.

PRESIDENT MORSE: We are voting on the Committee Amendment.

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

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24

April 19, 2018

2018-1658s

08/03

Floor Amendment to HB 1725-FN

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

AN ACT relative to food service for beverage manufacturer and wine manufacturer licensees.

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

1 New Paragraph; Beverage Manufacturers; Food Service. Amend RSA 178:12 by inserting after paragraph X the following new paragraph:

XI. Any beverage manufacturer licensee meeting and maintaining the requirements of a restaurant under RSA 178:20, except RSA 178:20, IV and paying an additional fee of \$240, may sell beverages for consumption on the premises and not be subject to the limitations in paragraph II-a. Such beverage manufacturer shall comply with the following:

(a) No beverage or liquor shall be served or consumed on the premises except that which is manufactured by the licensee on the premises or manufactured at a host brewer facility.

(b) The licensee may serve beverages to any visitor of legal drinking age by the glass or other suitable container.

(c) The licensee shall not allow any beverage or liquor to be served or sold to any person under the age of 21 on the premises

(d) Food and non-alcoholic beverages may be provided by a properly licensed third party food vendor, prepared on or off the premises.

2 New Paragraph; Wine Manufacturers; Food Service. Amend RSA 178:8 by inserting after paragraph VII the following new paragraph:

VIII. Any wine manufacturer licensee meeting and maintaining the requirements of a restaurant under RSA 178:20, except RSA 178:20, IV and paying an additional fee of \$240, may sell wine for consumption on the premises and not be subject to the limitations in paragraph III. Such manufacturer shall comply with the following:

(a) No wine shall be served or consumed on the premises except that which is manufactured by the licensee on the premises.

(b) The licensee may serve wine to any visitor of legal drinking age by the glass or other suitable container.

(c) The licensee shall not allow any wine to be served or sold to any person under the age of 21 on the premises

(d) Food and non-alcoholic beverages may be provided by a properly licensed third party food vendor, prepared on or off the premises.

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

2018-1658s

AMENDED ANALYSIS

This bill allows the sale of alcoholic beverages and wine produced by licensed manufacturers on their premises if food is served.

SENATOR INNIS: Thank you, Mister President. This amendment seeks to alleviate some concerns from the industry. It adds the option of a basic food requirement for full servings of wine or beer at New Hampshire suppliers for \$240, the same fee as nano breweries. Brewers and wine makers are requested to compete with surrounding states. The amendment would allow wineries and beverage manufacturers to serve their own product in a full serving with three prepared food options. It's 50 percent less expensive than a beer and wine license, which is attractive to the industry. And it removes the concern of service without food for restaurants, retailers and public safety advocates, which we've heard is important. It represents a practical compromise with the industry and removes the table wine issue which is largely unrelated and complicated and an issue that needs time and effort to further sort out with the brokers, the distributors and the Liquor Commission. Thank you, Mister President. I encourage Ought to Pass on the amendment. Thank you, Mister President.

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

SENATOR BIRDELL: Thank you for taking my question. Would you be open to making the effective date, effective upon passage?

SENATOR INNIS: Yes.

SENATOR BIRDSELL: Thank you.

Recess. Out of recess.

Senator Innis withdrew Floor Amendment 2018-1658s.

Senator Bradley moved to Lay on the Table HB 1725-FN. Adopted.

EDUCATION

HB 1495, relative to standards for determining an adequate education. Ought to Pass with Amendment, Vote 4-0. Senator Kahn for the committee.

Senate Education

March 27, 2018

2018-1248s

06/04

Amendment to HB 1495

Amend RSA 193-E:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Annually, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The report shall not contain personally identifiable information including but not limited to name, gender, or social security number. The department of education shall develop a reasonable schedule to collect the reporting of data required by state and federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

- (a) Attendance rates.
- (b) Annual and cumulative drop-out rates of high school students and annual drop-out rates for students in grades 7 and 8.
- (c) School environment indicators, such as safe-schools data.
- (d) Number and percentage of graduating high school students.
- (e) Number and percentage of graduating high school students going on to postsecondary education, military service, and an advanced learning program leading to a value added skill or career certification.
- (f) Number and percentage of students earning a career and technical education industry recognized credential.
- (g) Number and percentage of students completing a career pathway program of study.
- (h) Number and percentage of high school students who earned postsecondary credit of C or better for one or more concurrent or dual enrollment courses from a New Hampshire postsecondary college or university.
- (i) Number of students that completed a New Hampshire scholars program of study.
- (j) Number and percentage of students that completed and passed an advanced placement exam with a score of 3, 4 or 5; or International Baccalaureate exam with a score of 4, 5, 6, or 7.
- (k) Number of students that scored at least a level III on components of the ASVAB, as defined in RSA 186:68, I, that comprise the Armed Forces Qualification Test (AFQT).
- (l) The number and percentage of high school students that either met or exceeded the college and career ready benchmark established by the department for either the SAT or ACT.

(m) Expulsion and suspension rates, including in-school and out-of-school suspensions including data identifying the percentage of out-of-school suspensions of more than 10 days for each school year. This indicator shall be categorized by district, school, and grade level with each category disaggregated and broken down by gender, race, IEP, and eligibility for free and reduced-price meal programs.

(n) Teacher and administrative turnover rates at the school and district levels.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1495 Ought to Pass with Amendment. This bill as amended adds to the indicators that school districts are required to report annually to the Department of Education regarding delivery of an adequate education. The bill also establishes a rating scale for school districts regarding performance standards. Rating scale scores range from 1, indicating that the school does not meet grade level performance standards to number 4, indicating that the school exceeds the standards. This bill also requires data gathered from public schools to be included in the annual report New Hampshire School District Profiles, which shall be made available to the public on the department website and online at every school administrative unit for public review. This legislation's extremely important to ensure that the standards of an adequate education are being met. Please join the majority of the Education Committee in support of the motion of Ought to Pass with Amendment on House Bill 1495. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Kahn for an introduction.)

SENATOR KAHN: Thank you, Mister President. It is a pleasure to have a community just abutting Keene, that has a flourishing elementary school and I would like to welcome the Marlborough School fourth graders. Welcome to the State Senate.

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

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

HB 1496, relative to requirements for performance based accountability for an adequate education.

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

Senate Education
March 27, 2018
2018-1249s
06/04

Amendment to HB 1496

Amend RSA 193-E:3-d as inserted by section 3 of the bill by replacing it with the following:

193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to the submission of the final report pursuant to this section, the department shall undertake a process to verify and test the integrity, accuracy, and validity of the performance-based accountability system utilizing the best available data from one school from each of the counties in the state. The commissioner shall ensure, to the greatest extent possible, that the verification process utilizes the best available

data from a balance of elementary and secondary schools representing diverse socioeconomic conditions throughout the state. The commissioner shall work with school officials and faculty from the selected schools to implement the performance-based school accountability program and to develop a data collection system which will allow schools to easily report results to the department for analysis and reporting. ***The commissioner shall review and make recommendations regarding the performance-based accountability system to ensure that the system adequately measures the goals and indicators associated with student academic achievement and growth.***

SENATOR WARD: Thank you, Mister President. I move House Bill 1496 Ought to Pass with Amendment. This bill as amended modifies the requirements for public school performance-based accountability for an adequate education. Current statute requires schools to demonstrate opportunity for an adequate education by meeting one requirement. Either through the narrative report or by the performance system which identifies academic achievement. This bill as amended requires every public school to demonstrate satisfactory accountability, not only by one system measure but by both systems. This change will strengthen the accountability process and better identify schools requiring corrective and technical improvement. An additional change requires the department to conduct on site school inspection which is at least every five years, whereas current statute requires on site visitation every ten years or 10 percent of schools per year. This bill is one of the three bills that better align New Hampshire education statutes with the Elementary and Secondary Education Act as amended by Every Student Succeeds Act passed by the U.S. Congress and signed into law this past year. Please join the majority of the Education Committee in support of the motion Ought to Pass with Amendment on House Bill 1496. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

Sen. Giuda, Dist 2

April 17, 2018

2018-1593s

04/06

Floor Amendment to HB 1496

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

AN ACT relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Civics Instruction. Amend RSA 189:11, II to read as follows:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for

a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test [may] **shall** be used to satisfy the requirement of this paragraph. ***By June 30 of each year, each school district shall submit the results of the exam to the department of education. By September 30 of each year, the department shall provide a report to the senate and house education committees.***

2018-1593s

AMENDED ANALYSIS

This bill modifies requirements for performance based accountability for an adequate education.

This bill also adds reporting requirements for the civics competency assessment administered to high school students.

SENATOR D'ALLESANDRO: Thank you, Mister President. This is a very friendly amendment that Senator Giuda and I have put together which talks about the civics program and the accountability and it says by June 30th of each year, the school district shall submit the results of the exam to the Department of Education and by September 30th of each year the Department shall provide a report to the Senate and House Education Committee Chairs. What we're looking for is how effective the civics education program is throughout the state, and we want to monitor that on a yearly basis. Thank you, Mister President.

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

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

HB 1497, relative to accountability for school performance.
Ought to Pass, Vote 4-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1497 Ought to Pass. This bill better aligns New Hampshire statutes with the Every Student Succeeds Act, ESSA, by better defining key educational terms such as competencies and emphasizing level of mastery of key concepts, skills and knowledge. The bill identifies all schools, not just Title 1 schools, that fall in the bottom 5 percent in terms of achievement and growth performance. Lastly the bill further defines work study skills by inserting terms recommended and supported by New Hampshire businesses such as communication, creativity, collaboration and self-direction. In addition to knowledge these skills are sought and required by employers when hiring individuals into New Hampshire's workforce. Please join the majority of the Education Committee in support of the motion of Ought to Pass on House Bill 1497. Thank you, Mister President.

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

HB 1499, relative to the focus and components of New Hampshire kindergartens.

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

SENATOR WARD: Thank you, Mister President. I move House Bill 1499 Ought to Pass. This legislation works to make kindergarten a play-based education, including an emphasis on movement, expression, exploration, socialization, and music. Kindergarten was intended to be a means of socializing children and preparing them for formal education through exploration. This bill seeks to return those concepts to the kindergarten

classroom and will help teachers nurture the talents and abilities of our state's youngest learners. Please join the majority of the Education Committee in support of the motion of Ought to Pass on House Bill 1499. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I've reflected on this bill since we took our vote in the Education Committee. What the bill does is that it amends our statutes 193-E:2 which is a criteria for adequate education. And it adds this section on substantial education content of an adequate kindergarten. Now we don't have grade level standards in any of our statutes. We have educational standards, outcomes that we want from our educational programs. But there is no standard for any grade level in any of our statutes.

So there are three things about 1499 that trouble me. One is that we're setting a precedent for grade level standards. We really ought to think about that before we do it for one grade only. Because I think we got it right. I think we have it right that we don't insist on grade level standards. We allow school districts to set the standards by grade level.

Second, the bill says that we should provide for unstructured time and in the committee hearing what troubled me is that we said that that's the equivalent of playtime. I had to think what was troubling me about the term playtime, and it's our debate that we had last year about full-day kindergarten. Because that was exactly the objection that we heard from the opponents of full-day kindergarten. It's monitored daycare. It's playtime. We knew, I know, that's not what kindergarten is about. Kindergarten is a developmental education that allows for students to advance themselves in preparation of the first grade. But the notion that we are needing to instruct teachers to build in playtime just seems again, why are we doing this for this level of education?

And the third is that there is an implementation period here that's sixty days. And if this is truly a substantive change, why are we rushing this through in sixty days and not giving the school districts more time to actually talk about the topic? I know we had testimony from two Representatives, who care a great deal about this bill, that they had had a conversation with the Department of Education that sixty days would be adequate. But and again reflecting on it, I don't know why the implementation date couldn't be put off until September 1 of 2019, because if this really is substantive, give the school districts an opportunity to talk about what their content of an adequate kindergarten education ought to be.

For these reasons, I think we've got an intent that can be expressed a number of ways, but to write this into the statute for an adequate education I think is a mistake. I recommend that you vote against the Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I was unable to attend the hearing on this and would have said some of that then. But I just that so we could avoid having play based legislation, which I fear we're moving towards with this, that I ought to just talk a little bit about where kindergarten came from and where it is now. Now of course you know, Froebel was one of many reformers when he started what he called, a kindergarteners children's garden in 1837, and we had

our first one taught in German in 1856 out in Wisconsin, and our first in New England in English in 1860, and I'll talk about that one in just a moment. But what was revolutionary about Froebel, because education didn't start before age seven at that point, because they did not think that children had the capacity in their minds to learn and he said, no, no, no, they have the cognitive capabilities and if we can tap them through their own experiences where they are and develop an education around what they do well, which is play and other forms of activities, that would be a good basis for starting kindergarten.

Now, it also was at a time it was not just in kindergarten but also the common school movement. And I think that's why it's important to know that it was Elizabeth Peabody in 1860 that started the first English language kindergarten down in Boston. And Sophia Peabody was one of her sisters and Nathaniel Hawthorne's wife but her other sister's the wife of Horace Mann, and of course we know Horace Mann because he started the common school movement so we got grade one to eight education as public education in New Hampshire and elsewhere. Now both of them believed that the point of this was that people leaving the farm and immigrants were coming in and what this education would do would be prepare them for industrial employment. That was the nineteenth century.

Now that was a great success, but look what happened in that philosophy of preparing people for industrial employment when the mills closed in Manchester, 90 percent of the men working those mills had no more than an eighth grade education. And so we knew in the twentieth century that an education had to be more than just for industrial employment. And a lot has happened in terms of our understanding from that time, you know Froebel, the German romanticism said, you know the mind of a child is a tiny flower which is going to grow and we should nurture it, and that you know certainly was the spirit of those times. And he invented his Froebel's gifts which were actually abstract geometric blocks that he thought would teach math and abstract geometric concepts that might be needed in the manufacturing or elsewhere. Two of them, good stuff.

But since that time, what else do we now know in the twentieth century about child brain development. E. I. Shay early in the twentieth century, but most particularly in the last decades what we have learned about child brain development. Biologist, cognitive ability, and particularly I'm sure you've all heard about, we understand now that the development of the executive function. And it's been really shown that in that three to six year old group, executive function development, which is so important for impulse control, not just socialization, but also for learning, is something is particularly well developed through early math. Through early math. So, you know, we've come a long way from that. And you know, again, you know play is important, and I, you know, so we won't have play-based legislation.

I hope everybody here has been in the kindergartens in their local schools in the last few years, particularly since we implemented all day to see what is going on there. And of course play is a component of it. In most schools they have morning circle and a variety of activities but includes, they're taught addition and subtraction. They learn that through songs, games and other kind of things that I'm sure we all can imagine. But they also have resources like toys, picture books, crayons and so on. But they usually have some reading instruction, they usually are working on some kind of writing, recognize their letters, recognizing their colors, working through simple math, they usually do single digits on additions

and subtraction, they learn to count with more or less games, they become acquainted with a clock, what's a clock, and learn skip counting to prepare them for multiplications, and language arts in particular. You know, it's not only that they get some reading instruction but they learn sight words, cat fun rhyming blends and so on. But they also work on some writing, all of them may draw and do drawings and combine them with words. Then maybe there's a break for lunch, maybe a recess, maybe a nap time, but then they continue some more lessons and they have free playtime and there they are.

So it's a complex plan which recognizes play-based in a lot of ways but also recognizes that we can do these other things and we need to do these other things for children. And you know, when I was at Somersworth Kindergarten, all the kindergartens in Somersworth with Commissioner Edelblut last year and you could see this operation. And often times, multiple activities going on at one time depending on where a child was at that might be in one group, they might have an aide or then a group might be getting together with a teacher to look at a book together, a picture book and then they'd break into groups to make their own drawings and help each other, the ones who couldn't quite form the letters, a little older kid would help them do that. Lots of great things going on.

So, when you look at the language of the bill just be careful what has happened here. You know we got this discussion of Froebel, great but I think it's kind of dated in its own way and limiting. But notice that we can mention music and it can mention literacy through guided reading, but nothing here about writing, and no math. So you know I think about you know back to my really play-based kindergarten. Maybe I should have declared a conflict or taken the fifth, but my first day of kindergarten play-based I pushed a kid in the fishpond in the middle of a culvert. But you know I also began to learn to read and learned to write and got ready for first grade.

And I fear, especially on the math component limited here. And I say once you put it in statute you can bet that there's going to be parents there, it's in statute, you can't teach this you can't teach that we only can do this; and we don't do that. We teach as my colleague from District 10 said, you know we mandate the content and the outcomes you know, but we don't say how to teach it. So I fear that you know, for math, what we'd have, the math we could get is Senate you may take three giant steps backward. Mother, may I? Yes, you may. Let's pause here, let's vote this down or study it, but it's really not where we should go right now. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Tongue in cheek, I might reflect upon the Senator from District 4's remarks as not dissimilar from activities in present suite. I rise in support of the committee recommendation. Testimony was provided of schools' districts in which kindergarten is having a rigorous unstructured format for children four and five years old who just do not do well there, okay? Six hours, full-day kindergarten in a structured environment for a four or five year old child is impossible, okay? This bill was brought in specifically in response to districts that are formulating that and turning kindergartens into a first grade endeavor for the school districts. And so while the only thing this directs is that some down time be produced in whatever format curriculum that school would like to engage so that kids don't get stressed etcetera.

I would offer another reason for unstructured and yet let's say managed playtime. As you look at societal structure today, more and more of our kids are coming from broken homes, and when they come from a broken home or a single parent environment, into a collection of students with dissimilar tastes, appearances, actions, dress, etcetera, some of that downtime is very instructive in learning the buzz word of diversity and understanding it. Because there's no better way to inculcate that value in our kids than to allow them some time to just relax with one another, and accentuate what we have in common. So I would stand in strong support of this bill as it's brought out of committee. And I thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I stand in strong opposition to House Bill 1499. I'm interested in hearing that the Senator from District 2 is saying children are four and five years old. I don't know if you've been in a kindergarten lately, but most of them are five or six years old and there is in fact a big difference developmentally. In fact they keep upping the age and more people than ever are now putting off kindergarten for another year. It is in fact full of play. The kindergartens, I'd like to see a definition of play-based because when somebody goes out to the blacktop and draws a picture of a clock with chalk and children stand in different places on the clock, that's play. You know we don't have to say okay now you're learning about a clock, you could be playing a game where people are moving on the clock. This is what kindergarten is about. I notice that not a single kindergarten teacher or even school administrator came to the hearing. Anyone who teaches kindergarteners especially in this country, would strongly dispute this I guarantee that. I do understand that in European cities, kindergarten is starting more at three and four years old and that's very different. You know if your child's not ready to go into a kindergarten environment where you're learning while you're playing, then they should wait another year. And you know developmental psychology happens to be what I studied and I studied it with a guy who was an expert on play. So I totally oppose this bill.

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

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

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

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

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

HB 1612, relative to data security in schools.

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

Senate Education
April 11, 2018
2018-1459s
06/04

Amendment to HB 1612

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

1 New Paragraph; Student and Teacher Information Protection; Data Inventory Security Plan. Amend RSA 189:66 by inserting after paragraph IV the following new paragraph:

V. The department shall establish minimum standards for privacy and security of student and employee data, based on best practices, for local education agencies. Each local education agency shall develop a data and privacy governance plan which shall be presented to the school board for review and approval by June 30, 2019. The plan shall be updated annually and presented to the school board. The plan shall include:

(a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use.

(b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed standards set by the department.

(c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools and extensions.

(d) A response plan for any breach of information.

(e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2 Student and Teacher Information Protection; Data Inventory Security Plan. Amend the introductory paragraph of RSA 189:66, IV to read as follows:

IV. The department *and each local education agency* shall make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, et seq., and applicable state law including:

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

2018-1459s

AMENDED ANALYSIS

This bill requires each local education agency to develop a data security plan.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1612 Ought to Pass with Amendment. This legislation addresses additional information security provisions for local school districts. Districts will be required to have data security plans and policies. District contracts with educational service operators will be required to provide time frames for operator destruction of student personnel information upon request of the district and upon contract termination unless there is consent of the student or parent. The Department of Education or the Department of Information Technology are encouraged to provide guidance to districts on their security plans and contracts. Please join the majority of the Education Committee in support of the motion of Ought to Pass with Amendment on House Bill 1612. Thank you, Mister President.

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

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

HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.

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

Senate Education
April 11, 2018
2018-1458s
06/04

Amendment to HB 1637

Amend RSA 186:11, XXXVIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Require each school district to establish a policy on school discipline that establishes the criteria for in-school suspensions, short term out-of-school suspensions, long term out-of-school suspensions and expulsions, and the maximum length of long term suspensions. Such policy shall separately describe the criteria for imposition of each level of discipline, with reference to factors such as disruption of school activities, risk of property damage, actual or threatened bodily injury, or other factors determined relevant by the school district.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1636 Ought to Pass with Amendment. This bill establishes a Committee to Study Teacher Preparation and Education Programs. I'm on the wrong bill. My apologies, Mister President. House Bill 1637, I move it Ought to Pass with Amendment. The legislation requires the State Board of Education to require school districts to adopt policies regarding school suspensions and expulsions. This important bill will ensure that school districts have clearly stated policies and goals regarding suspensions and expulsions and that parents as well understand what these procedures are. The Education Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1637. Thank you, Mister President.

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

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

HB 1698-FN-L, relative to the cost of special education services for foster children.

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

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1698-FN-L Ought to Pass. This legislation provides that for any child placed in a home for children, the sending school district is required to send the receiving school district the actual pro-rated cost of this special education and related services provided by the receiving district. The goal of this legislation is to make sending school districts liable for the actual cost of the special ed. services. Some have concerns about the ability to capture this change but it's done every day with third party billing and Medicaid billing. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1698-FN-L. Thank you, Mister President.

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

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.

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

SENATOR WARD: Thank you, Mister President. I move House Bill 1744 Ought to Pass. This legislation provides that a student exempted from taking the statewide assessment by the student's parents or legal guard-

ian shall not be penalized. It also requires the school district to provide an appropriate alternative educational activity for the time period during which the assessment is administered, and provides that the name of the parent or legal guardian objecting to the assessment, shall be excluded from access under RSA 91-A. Parents have testified on the difficulties they encounter when trying to refuse the statewide assessment for their children. Schools are required to inform parents about the current state laws that reference opting out of standardized assessments. Transparency will be an ESAA requirement if House Bill 1744 is signed into law. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1744. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. This bill will enable the state of New Hampshire to raise its test scores dramatically. How? We allow people to opt out. That's it. Okay, we might even coach some people to opt out. We're going to raise our test scores; we'll look great against the rest of the country that recognizes what does it mean to do standardized assessment. Standardized assessment. Here we go. Any test in which the same test is given in the same manner to all test takers and graded in the same manner for everyone is a standardized test. The opposite of standardized testing is non-standardized testing. And non-standardized testing is where either significantly different tests are given to different test takers or the same test is given under significantly different circumstances. Alright, so New Hampshire is going to adopt new circumstances where you can opt out, you can opt out your kid, you can opt out your kid. What do you think? I want your kid in. It's going to raise the test scores. This is blowing a hole through what we have in place for demonstrating substantial significant on grade progress for our schools and our students. One test a year. We've even said you don't need to do standardized testing the same test every year. You can now do it every three years. I just feel like we have missed what we are losing. I understand what we're gaining, an opt out provision on standardized testing. I think we all understand it, but we have not debated what is it that we lose when we let people opt out. And what we're losing is any comparability for our grade level testing with other states. I ask that we vote down the Ought to Pass motion on 1744. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Without rehearsing debates we've had in previous years on this or what we talked about a couple of weeks ago with opt in or opt out, I just wanted to mention briefly two consequences here. We know that if our participation rate in our standardized testings fall below a certain level, it jeopardizes our federal education funding. That's not something I've made up, that is a fact. Secondly, accountability. You know we're supposed to hold people accountable for how we spend our tax dollars and that's why we have testing based on provision of an adequate education. And you know what, we've just been voting and passing some bills that say that these test scores ought to be collocated at the DOE so they can evaluate across the state which schools are doing better, right? Because we want to know how our tax dollars are being spent and to make sure they're being spent effectively. So, gee, you know, once the participation rates starts to go down and we know we're not going to get good information at the DOE, and we are no longer going to know whether schools are accountable for the expenditure of tax dollars. We ought to vote this down. Thank you, Mister President.

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

SENATOR FULLER CLARK: Senator Kahn, I'm looking at the notes from the hearing report and Bonnie Dunham spoke to the fact that while teachers may be able to give good information and feedback about individual children, we don't get feedback about how the district is doing as a whole or how the state is doing as a whole. Will you agree with that?

SENATOR KAHN: I do.

SENATOR FULLER CLARK: And would you then agree that perhaps when individual families are looking to decide where they want to live, where they want to ensure that their children have a good education, that they're denied a certain level of information about how well education is doing in the community that they're thinking about and how well it's doing in this state relative to other states?

SENATOR KAHN: Yes, I think that's exactly the kind of information that will not be valid as we try to compare ourselves with other states. Even in between districts as was suggested.

SENATOR FULLER CLARK: Is it not true right now that we have a workforce issue that we need to bring more young families here? And if they can't have access to this information, do you think this would have an additional negative impact on families deciding to move to New Hampshire?

SENATOR KAHN: I don't know that I can make that causal link, but what I do believe is that we'll have invalid information, and I don't think that ever serves anybody well.

SENATOR FULLER CLARK: Thank you.

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

SENATOR INNIS: Senator in your remarks you seem to imply that students will be likely to score in a lower range on the standardized tests are more likely to opt out. Is that the understanding I should take from your testimony?

SENATOR KAHN: No.

SENATOR INNIS: Alright. Thank you. With that said do we have any empirical evidence from other states or certain school districts that tell us who is likely to opt out and whether or not the numbers are large enough to create a statistical significant difference?

SENATOR KAHN: So what I'm aware of from our college level experience is that students have various testing phobias. We know that. Parents know that. Those that have testing phobias often are around mathematics. And we're going to see, you know whenever that there's the option of alternatives that you know like opting out, people will opt out.

SENATOR INNIS: I understand the line of reasoning there, I just, to restate my question, do we have evidence that there are demographic differences in those students that are likely to opt out as opposed to those that do not?

SENATOR KAHN: I don't have that evidence that demographically this will be any different. I just don't. But what starts with a couple of percent will just increase because it will become a more acknowledged phenomena that, hey, my kid doesn't like taking tests either. You opted out; I'll opt out my kid. We're putting ourselves down a path of invalidating our standardized testing results.

SENATOR INNIS: Thank you for taking my question, I appreciate it. Thank you, Mister President.

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

SENATOR WATTERS: Senator Kahn, perhaps referencing the Senator from District 24. Would you believe that in fact the great legal cases and scandals about testing manipulation in Washington, Philadelphia, some other places revealed in court that not only were teachers holding eraser parties on answers on tests but that there have been a program to discourage students, particularly those who had you know from difficult learning backgrounds or students with disabilities to not take the tests? Would you believe?

SENATOR KAHN: It sounds outrageous, but I do believe.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in opposition, ask my colleagues to vote against 1744. We've heard two things that I think are extremely important; opt out. That sickens me, the opt out provision. Having been a teacher almost all of my life, I tell you that that standardized test is a great element in the educational experience, and it gives you something to look at in how you're conducting your class and how you're doing your best to make every kid succeed. If indeed you allow everybody to opt out, you have nothing to go on. You have nothing to go on. So accountability is the key issue. Both accountability on the way your tax dollars are being spent and accountability on the way that education process is being conducted by that individual who stands in front of that classroom. And that people take pride in that, take a great deal of pride in that because the best product produced is the qualified capable student, that's going to make a difference in this society. That's what we should be striving for and I think that's what the standardized test helps us to do. Thank you, Mister President.

Recess. Out of recess.

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

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

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

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

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

HB 1761, relative to the math learning communities program in secondary schools.

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

Senate Education

April 11, 2018

2018-1456s

06/04

Amendment to HB 1761

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

AN ACT relative to the math learning communities program in secondary schools and relative to dual and concurrent enrollment agreements between high schools and colleges and universities.

Amend RSA 193-I:2, II as inserted by section 2 of the bill by replacing it with the following:

II. Course I, advanced math foundations, is a review and expansion of a student's understanding and ability to apply fundamental competencies in algebra, geometry, probability, and statistics. This course provides one math credit toward high school graduation.

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

3 Dual and Concurrent Enrollment Program; Definitions. Amend RSA 188-E:25 to read as follows:

188-E:25 Definitions. In this subdivision:

I. "Concurrent enrollment" means courses taught at the high school by high school teachers approved by the community college system of New Hampshire (CCSNH) **or the university system of New Hampshire**, in which high school students earn both high school and college or university credit while students are still attending high school or a career technical education center.

II. "Dual enrollment" means college courses taught by instructors from the community college system of New Hampshire (CCSNH) **or the university system of New Hampshire** in which high school students earn college credit while students are still enrolled in high school or a career technical education center.

4 Dual and Concurrent Enrollment Program; Enrollment Requirements. Amend RSA 188-E:27, I to read as follows:

I. An interested high school student in grade 11 or 12 may enroll in a course that is designated by the CCSNH **or the university system of New Hampshire** as part of the dual and concurrent enrollment program.

5 Dual and Concurrent Enrollment Program; Enrollment Requirements. Amend RSA 188-E:27, III to read as follows:

III. The state shall pay up to \$250 to the CCSNH institution where a high school or career and technical education student successfully completes an approved course and the CCSNH shall accept such amount as full payment for course tuition. **No state funds for dual and concurrent enrollment programs shall be paid to university system of New Hampshire institutions during fiscal year 2018 or fiscal year 2019.**

6 Dual and Concurrent Enrollment Program; School Board Policy. Amend RSA 188-E:28 to read as follows:

188-E:28 School Board Policy.

I. No later than July 1, 2018, the school board of each school district shall develop and adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH **and/or the university system of New Hampshire** and that meet the same standard of quality and rigor as courses offered on campus by the CCSNH **and/or the university system of New Hampshire**. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication require-

ments, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

II. The department of education and the CCSNH shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include standards established by the CCSNH, shall include elements, standards, and criteria that have been approved by the department of education and CCSNH, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to concurrent and dual enrollment of high school students in college classes. The department shall further develop guidelines for the program relating to reporting, accountability, and payment of available funds to the CCSNH.

III. The department of education and the university system of New Hampshire shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include standards established by the university system of New Hampshire, and shall include elements, standards, and criteria that have been approved by the department of education, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to dual and concurrent enrollment of high school students in college classes.

7 Effective Date.

I. Sections 3-6 of this act shall take effect 60 days after its passage.

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

2018-1456s

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of education to establish and implement a supplemental high school math program for students who require remediation.

II. Extends the dual and concurrent enrollment program to high school courses approved for credit by the community college system of New Hampshire and the university system of New Hampshire.

III. Requires the department of education and the university system to develop a model dual and concurrent enrollment agreement to be used by participating school districts.

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

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

SENATOR KAHN: Thank you, Mister President. I move House Bill 1761 Ought to Pass with Amendment. This bill requires the Commissioner of the Department of Education to establish and implement a supplemental high school math program for students who require remediation. It

also extends the dual and concurrent enrollment program to high school courses approved for credit by the Community College System of New Hampshire and the University System of New Hampshire. Further it requires the Department of Education and the University System to develop a model dual and concurrent enrollment agreement to be used by participating school districts. The Education Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1761. Thank you, Mister President.

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

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

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

April 18, 2018

2018-1644s

06/04

Floor Amendment to HB 1761

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

AN ACT relative to the math learning communities program in secondary schools.

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

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

2018-1644s

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to establish and implement a supplemental high school math program for students who require remediation.

SENATOR GIUDA: Thank you, Mister President. The amendment that I'm proposing 1644s, removes the inclusion of the University System of New Hampshire in the dual and concurrent enrollment process. We have an extremely successful system right now with the Community College System. Over 100 high schools that are participating very successfully with criteria for teacher qualifications that the existing amendment we just passed would reduce, and thereby jeopardize the standing of those students in nationwide universities where those kids would be going. The Community College System gets lots of inquiries from across the country, from our kids that are applying to out of state colleges and universities, and it is critically important that we maintain those standards. Additionally, this would create additional unnecessary administrative work, costs, and so forth as we attempt to superimpose or integrate an unnecessary function with one that's already working well. And so for that reason I ask for your support on Floor Amendment 1644s. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I thank my colleague from Senate District 2, in the sense that I was advised, don't talk much about this bill, just let it go through. So first off, I just want to

correct one statement from the Senator from District 2, and that is this does not talk about teacher qualification whatsoever. That was a part of an original bill, it's been amended, there's nothing in the amendment that talks about teacher qualification. So we're just talking about a bill that we passed last year that enables eleventh and twelfth graders in high school to take college credit courses. Either in their school or at a college near them, that's either a part of the University System or a part of the Community College System. That's all. That's all that this is trying to do, is say, hey, the same thing that we allow for a student to do with the community colleges, we've allowed them to do with the University System of New Hampshire institutions. Because, here's why it's important, this is why it's time sensitive. We put in there that by July 1, 2018 every school district in the state has to have a policy on dual and concurrent enrollment. So right now we're only allowing that policy to take place with the Community College System of New Hampshire. Just by statute.

So, what do we have? We've got who is the primary competitor for the Community College System of New Hampshire for dual and concurrent enrollment? It's Southern New Hampshire University. Surprise, huh? We've got 25,000 students who are juniors and seniors in New Hampshire high schools. During testimony we heard that the ruining start program, that has been successful for the Community College System, has enrolled this year 3,000 students in 5,000 courses. Three-thousand of 25,000 students. We have a long, long way to go if we are going to use dual and concurrent enrollments to reduce the time to a post-secondary education degree and to reduce the price of what students have to pay to get that credential.

Why do you suppose Southern New Hampshire University has created Southern New Hampshire in the high schools? Go on the website. What is Southern New Hampshire in the high school? Designated courses have been aligned to meet the same content, rigor and learning outcomes as that of the university. The high school teachers instructing these courses meet the university adjunct faculty requirements and have been approved by the university. It's the same thing that the Community College System is doing. And, so we're sitting in a meeting with the New Hampshire College & University Council. We were all invited. Quite a number of us went. And on the dais was the principal of Laconia School District, the high school. And the principal says, and I'm negotiating with Southern New Hampshire University for SNHU in the high school. Well, interesting. Competition is destined.

So we've got in the act, currently that we're going to adhere to the standards, national standards for dual and concurrent enrollment. There's an organization, most of the fifty states are members. New Hampshire doesn't have any members in it. You would think we might, at least one, but no. But it's a great resource for understanding where other states are on this. So I've plodded around, talked to Minnesota. I got their suggestion because the state legislature in Minnesota has been working with NCSL and so they—. So I talked to the legislator who follows dual and concurrent enrollment in Minnesota and he says, I asked do you do it for community colleges, yeah, and four year publics too, right? Yeah. Okay. And he said wait, wait we also do it for the non-public post-secondary education institutions. I said why do you do that? Because they might be closer to the high school. Right. That's what dual enrollment is all about. It's not about anything but a high school student taking a course

at another college and the high school accepting that credit as a high school credit. But we want to regulate the marketplace. Southern New Hampshire University by the way, for these courses, has a set fee. It's \$100 for a three credit course.

You know what I'm glad about? That the competition is currently an in state institution. Because there's another obvious. The University of Maine offers dual enrollment. The Vermont post-secondary education institutions, they offer dual enrollment. Even in Vermont, get this, if you're a Vermont resident you're issued a dual enrollment voucher in a program called the state's Next Generation Initiative. Students receive two vouchers to attend any Vermont college, public or private. This is a pathway; this is what we're trying to do is create a pathway for our New Hampshire students into post-secondary education. Yes, the Community College System plays a role, an important role. But does that mean no other institution in the state of New Hampshire that offers a post-secondary education degree should play a role?

Two of the people that I have worked with on this that have encouraged me to continue to move forward. One is the Representative who authored the dual and concurrent enrollment statute. He's a co-sponsor of this amendment. And he asked me to place this amendment on his bill. It's his bill. A Republican Representative. Commissioner Edelblut has also been one of the people encouraging me, put this dual and concurrent enrollment authorization, amend it to a bill. Find a House Bill and put it on it. He's been a strong supporter. And his metaphor for this is why not use every on ramp we have? Why do we need to travel down a single lane highway on something that everybody else has figured out is a multi-lane road?

In the end, there are two things about this. One, you can't limit the marketplace because as Southern New Hampshire University has shown, people will enter it. They'll find ways to do it better, to do it cheaper. The marketplace is going to have multiple people in it, multiple institutions. And the second point is, this isn't about institutions, this is about students. Yes, I started on this because there was a perceived issue in Keene. But like all of us, we start with a local issue and you begin to see does this local issue have an impact on the rest of the state? That's why I went to the prime sponsor of the legislation to begin with. That's why I went to the Commissioner of Education to talk about this. It's about the student accelerating their time to degree and reducing the price of a higher education. All this amendment does is encourage University System in New Hampshire institutions to get into the marketplace. Why would we want them in the marketplace? The national association says, universities are good at this because they are better resourced, they have a broader curriculum and they're better at professional development. Why are they better at professional development? The offer Masters Degrees, and they can take those non-credentialed great high school teachers that don't have the college level credential and maybe move them along a little faster and accelerate this whole path, add more speed to the highway. Add more capacity to our roads. Help the students in New Hampshire, that's all that this amendment is about.

I ask you, do not pass the amendment that is before you. Let's move forward, let's join the rest of the states in the country. There's only one state that is restrictive as we're about to put and leave in our statute. It's the state of Iowa. And I finally found an answer, my colleague from District 2. The answer is that the Community College System is ad-

ministered by the Board of Education. Case closed. Alright. Enough, I'd love to talk about this more, but there are probably others who want to enter this conversation. Please don't pass this amendment, and let this go forward as recommended by the Education Committee. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Mister President. Thank you, Senator for taking my question. Appreciate all the work that you have done on this along with the Senate Education Committee to put this amendment on. One of the concerns in Senate Finance when this was discussed at one point was whether or not state funds would be at issue or implicated for fiscal years 2018 and 2019. Have you addressed that issue?

SENATOR KAHN: Yes, there is in here specifically in section 4 and 3, no state funds for dual and concurrent enrollment programs shall be paid to the University System institutions during fiscal year 2018 and 2019. I added that following conversations with my colleague from District 11.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. One of the other issues was a question about competitive disadvantage here or there with respect to attracting students in the Community College System. As you noted, Southern New Hampshire University already does this. And so by adopting the language about a model agreement, and a model enrollment with the Department of Education, as oversight, doesn't that address some of the concerns that already exist today and how this operates?

SENATOR KAHN: Yes, I believe so and it models the legislation as currently exists for the Community College System in New Hampshire. There is a master agreement for the Community College System with the Department of Education upon which, school districts and the southern community colleges could then enter into more formal agreements, yes.

SENATOR FELTES: Thank you, Mister President, thank you, Senator. And you worked with the Commissioner of Education on this?

SENATOR KAHN: Certainly since the legislation has been introduced, we have had many conversations about his work for this.

SENATOR FELTES: Great, thank you.

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

SENATOR WATTERS: Thank for taking my question. This is for purposes of clarification. I wondered if you and perhaps my colleagues could turn to page 20 of our calendar to the amendment. Because I wanted to ask specifically about any concern about a change to the standards of the teachers here. So if you look here in section 1 it says, concurrent enrollment means courses taught at the high school by high school teachers approved by the Community College System of New Hampshire, and then or the University System. So the existing language in statute is maintained in your bill, so there's no change in standards?

SENATOR KAHN: Yes. Correct, Senator.

SENATOR WATTERS: Thank you.

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

SENATOR SANBORN: Senator thank you so much for taking a question. As I'm trying to understand all this, because I, with respect to my friend from District number 10 who might stand up after I speak and I encourage that, I'm reading this I guess in a different vein, from what

I hear in the testimony. So my question is, it's my understanding that the concern is that even though you have 180-E:25 and the definitions of the subdivision that is adding University of New Hampshire to the Community College System, but the Community College System's requirements to, for high school teachers to teach high school students is that that teacher must have the same certification level of a professor at a university system. So any classes taught to a high school student from a high school teacher will be viewed by colleges across the country as being the same level in standard as what a college course would be. And the concern is, is that if another post-secondary educational system, in this case maybe the University of New Hampshire, lowers those standards to allow high school teachers to teach high school students, but those teachers do not have the collegiate level of education certification, then therefore it could actually hurt our students and their ability to get credit at the collegiate level for colleges that are looking around the country. Am I understanding this correctly?

SENATOR GIUDA: Yes.

SENATOR SANBORN: Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in support of the amendment before us. We've dealt with this subject before. It is substantially the same as Senate Bill 361 which is currently on the table with a pending motion of Inexpedient to Legislate, and that was because the bill wasn't ready for prime time. While some of the things may have been addressed in reading through the amendment, I think there are other things that have been created that still need to be looked at. When you talk about coming up with a policy that has to be approved by the community system and/or the university, it kind of feeds into the question that was just previously asked. Are the standards the same? You know, can a lower standard be accepted over the current one that seems to be working? That's in there in a couple places. And if it is "and," does, you know, it would state that the community colleges and the university have to agree on that policy. But what if they don't? Then it could be an "or," which now you could go to an inequitable level of criteria and standards. My understanding going back to the discussions we had before, that there is, that this came about as a result of one school in the Keene area, and in talking to the community colleges that school had not been willing to enter into the program that would enable them to participate in what existed now. So I would encourage the body to maintain what we've already previously done. Let's stick with the current amendment, which takes out the part that we have already rendered as inexpedient and then put on the table so it could be worked on. Let's continue that process, support the amendment before us, and work on fixing what we need to on the dual and concurrent enrollments so we have something ready for next year. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to inform the body that I may or may not have a conflict of interest because I am an adjunct professor at the community college in Nashua, and I have dealt with students that are in the Running Start Program, and I will be participating in the debate and the vote. I also rise in support of the Senator from the Second District, his amendment. I deal with these students. Most of them on a regular basis, at least one or two per semester. So, I get to see these students and some of them are successful and some

of them are not. I have a real concern about these students being in a high school setting, getting a college class. As a college instructor I get to see a different side of these students as opposed to what their high school teachers get to see. So again, I just would like to just inform the body, I don't think this ready, I think there's a lot more work needs to be done on this, and thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise and ask my colleagues to defeat the amendment and pass the bill. The dual enrollment provides opportunity for students. This just extends that opportunity and I thought the analogy of highway was a perfect one. We always widen our highways to give more opportunity and we got the best piece of highway in the United States of America from Windham to the Mass line. I drive that and I say to myself, I'm in the best situation I have ever been in.

I was student at the University of New Hampshire, then obviously became a teacher. The kids are way ahead of us. The ability to take a college course at the secondary level provides opportunities. Why deny opportunity to a great university system? A land grant, sea grant, and space grant university. One of a couple in the whole United States of America. That's our university. Why shouldn't everybody have an opportunity to participate? And if you can participate at the secondary level, and enhance your opportunity at the post-secondary level, you've achieved something. You've taken advantage of an opportunity.

All of these schools are accredited by the New England Association of Colleges and Schools. Nobody's going to water down the curriculum, or water down the individuals who are teaching. Because that's part and parcel of the accreditation process. We believe in that because we pay a ton of money to be accredited for a five or a ten year period. So this is an opportunity. We give kids an opportunity. My grandchildren are a hell of a lot smarter than I was as a secondary student. And they should have opportunity. We all talk about costs. This is an opportunity for us to work against those costs. To provide something at a lesser expense and yet it's still the same quality. We're in the business of opportunity here. We have a great public system, both the Community College System and the University System of New Hampshire.

If the outward migration rate continues in this state, we're not going to have anybody in any of these colleges. Keeping them here is providing them opportunity to learn at the secondary level, to participate at the secondary level, and to find out how much quality we have in our post-secondary education system. And Southern New Hampshire is working on it. I met with the President of Southern New Hampshire University what, a couple of weeks ago. They have now reached their 100,000 enrollment in their online program. Why? Because they're marketing it. They're selling it. And why wouldn't they get into the secondary system, of course. There's opportunity there. Opportunity for them and opportunity for the students. So let's not put the kibosh on opportunity. We're all very enthusiastic about providing a pathway for our kids to make their lives better. Defeat this amendment, pass the bill as amended and let's go forward with reckless abandon, as I used to tell my players. I want you to play this game with reckless abandon. And that's how we should be doing in terms of bringing this opportunity forward, with reckless abandon. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I'm not sure we should be passing legislation with reckless abandon, but I truly appreciate my good friend from District number 20's comments, and holistically I agree with most of what he says. Our colleges are too expensive. Easier to find a path. Let's make interstates bigger so we can drive faster. Agree with everything he says. So conceptually I'm with my friend from District number 10. But my struggle in this debate is clearly there remains this question about qualifications and standards. We're hearing that some of our New Hampshire higher institutions say they have one level of standard and qualifications for high school teachers to teach, and then we're hearing that other schools, we're not sure what their qualifications are; that they can set their own standards. So I guess the question that I have to ask myself is, are all of our New Hampshire higher education systems making the same requirements for teacher qualification at the high school level? And if they're not doing that, would it tell us to support this amendment so that everyone can come back to the table and look to make sure those same standards exist? So because of that, Mister President I am supporting the amendment because I believe in the concept, I just don't think the egg is quite cooked yet. Thank you very much. (The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I just want to disclose, I help represent the full-time professors at the Community College System and I do intend in participating. Thank you. (The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise only for the second time. But I want to address the quality question. Because if that's where you're hung up, I can help you. So I want to help my colleague from Senate District 9, because if that's a concern, it's addressable. And if I need to use some experience factor with this, I was on the New England Association of Schools and Colleges, their Commission on Institutions of Higher Learning. I helped write the accreditation standards that are currently in place, and here is what they say, specifically, about teacher credentials. It's that if you offer courses anywhere but on your main campus, they should be taught by a faculty with comparable credentials as have been previously reviewed and accredited by the body. That's what it is. Every school has to meet that same standard. There is no deviation from that standard. I don't know how much more I can say about that. I mean every school. So that's why Southern New Hampshire University had said it meets the same standard as our adjunct faculty. Because their full-time faculty are probably ten year track PHDs but their adjunct faculty are filling in the gaps with master's level credentials. It's what the Community College System is insisting on for their baccalaureate courses.

But you know what? All the CTE courses, nearly all, I won't speak for all. Most of the CTE courses are taught by faculty with maybe a bachelor's degree. Maybe not even a bachelor's degree. But those are the comparable credentials to their on campus faculty. So they can make that arrangement for a dual enrollment class at the high school because it's a comparable qualification. You see what it is? There's no fixed line. There's no line that says you must have a PHD, you must have a master's degree. It's how the institution wants to recognize the quality and delivery of its courses. And by and large when it comes to baccalaureate degree comparable courses, English, social studies, math, science the master's degree is the comparable credential. And that's what any institution would probably be insisting upon for their high school teacher teaching their course.

But remember, there are two legs to this stool. One is what you might teach in the high school, the other is what is at the college. And why we would block that path, the fact is we can't block that path. Keene State's been offering enrollment in courses to high school students forever. I was there forever. It's half price. Let the colleges, I mean, let the high school districts enter into agreements and negotiates the best rate for their students. Why are we not encouraging that? So I just, this is ready. This is way more than ready. Every other state in the country is accepting that this is ready. But we're just going to clog up our highway. Let it be the old two lane road and it'll be good enough to get us there. And I really do believe that if you put your student hat on here, we can do better. Thank you, Mister President. Defeat this amendment, please.

The question is on the adoption of the Floor Amendment.

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

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

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

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

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

ENERGY AND NATURAL RESOURCES

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

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

Energy and Natural Resources

April 10, 2018

2018-1438s

08/04

Amendment to HB 1592-FN

Amend RSA 485:3, XV as inserted by section 2 of the bill by replacing it with the following:

XV. By January 1, 2019, the commissioner shall review the maximum contaminant level for arsenic to determine whether it should be lowered and, if it is determined that it should be lowered, shall initiate rulemaking in accordance with RSA 541-A to establish the new maximum contaminant level and shall submit a report to the house executive departments and administration committee, the senate executive departments and administration committee, and the joint legislative committee on administrative rules prior to initiating such rulemaking.

Amend RSA 485:3, I(b) as inserted by section 3 of the bill by deleting subparagraph (3).

SENATOR INNIS: Thank you, Mister President. This time it's not about PFCs but arsenic. I move House Bill 1592-FN Ought to Pass with Amendment. This bill requires the Commissioner of the New Hampshire Department of Environmental Services to review standards relative to arsenic contamination in drinking water and make new rules if he or she deter-

mines there should be new standards. The bill also requires the Commissioner of the Department of Environmental Services to consider certain criteria before adopting specifications for contaminants in drinking water. This bill would allow for a thorough review of the ambient ground water quality standard and the drinking water maximum contaminant level for arsenic. Currently the New Hampshire DES follows the current federal standard of ten parts per billion. The department has recognized that standard has not been protective, nor nearly as protective as other drinking water standards. More than one-third of public water systems in New Hampshire have noticeable amounts of arsenic in their supply and the bladder cancer rate in the state is 20 percent higher than the national average. It's clear that the high levels of arsenic cause major health problems. Giving the New Hampshire Department of Environmental Services the ability to review the standard and propose revised limit would be in the best interest of public health. The amendment makes a technical change to ensure that a report of the department's findings on changes to the drinking water standard are submitted to the House and Senate Executive Department and Administration Committees as well as the Joint Legislative Committee on Administrative Rules. The Senate Energy and Natural Resources Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1592-FN. Thank you, Mister President.

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

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Giuda for an introduction.)

SENATOR GIUDA: Thank you, Mister President. I ask my Senate colleagues to join me in welcoming the smartest, best-looking, and most well-behaved fourth grade in the state from the New Hampton Community School. Welcome to the New Hampshire Senate.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the present time. Adopted.

HEALTH AND HUMAN SERVICES

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.

HEALTH AND HUMAN SERVICES

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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

Health and Human Services

April 12, 2018

2018-1502s

01/06

Amendment to HB 587-FN

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

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments which impose a viewpoint that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include talk therapy or religious counseling that provides acceptance, support, and understanding to that individual. Nor does it prohibit facilitating an individual's coping, social support systems, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change an individual's sexual orientation or gender identity against an individual's will.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

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

SENATOR FULLER CLARK: Thank you very much, Mister President. I move House Bill 587-FN as Ought to Pass with Amendment. The purpose of this bill is to prohibit individuals licensed to provide counseling from engaging in conversion therapy with a person under eighteen years of age. Currently there is no law in the state of New Hampshire to protect young people from the practice of conversion therapy. Conversion therapy is a dangerous practice of seeking to change someone's gender identity or sexual orientation. This bill would prohibit persons licensed to provide counseling in New Hampshire from engaging in this dangerous and unproven practice. As defined in the amendment, conversion therapy does not include talk therapy or religious counseling that seeks to provide support to individuals and the amendment also does not seek to limit or infringe on anyone's freedom of religion. What I would like you to do however, it says here, please join the Health and Human Services Committee in supporting the motion of Ought to Pass with Amendment on House Bill 587-FN. However, I would urge you to vote down the Committee Amendment so that I may bring forth a new amendment that would have the best chance of acceptance by the House without a Committee of Conference. So that's what I'm asking you to do. The language

that we attempted to amend in the first section of the bill would create problems for acceptance in the House. And so, I hope that you will vote down the Committee Amendment and then let me speak to my Floor Amendment. Thank you.

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

SENATOR GRAY: If we were to vote down the Committee Amendment, does your amendment have a replace all provision?

SENATOR FULLER CLARK: It does have a replace all provision.

SENATOR GRAY: Then what difference does it make whether we vote for or against the Committee Amendment, since if your amendment carries that it would do a replace all?

SENATOR FULLER CLARK: That's a good question, however I do believe that the amendment that I'm bringing forward is the best amendment, and I will leave it up to the judgement of the voters here on the floor of the Senate as to how they wish to proceed.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Alright I'm going to do my best to try to explain where we're at, and explain the issue to the best of my ability to explain. Senator Fuller Clark, our friend from Portsmouth, I apologize for that, her Floor Amendment would be Senate Bill 224 that we voted I believe it was 15-8 last year. So that's number one, just please try to remember that. Number two, the differences between the Floor Amendment that, or Senate Bill 224, let's put it that way, and the Committee Amendment are as follows: If you turn to page 10 of the calendar, let me walk you through the differences. The first difference is on the first two lines of the amendment in the calendar. It adds the words, which impose a viewpoint. The second major change is on the fifth line down when it says, conversion therapy shall not include, then the addition of, talk therapy or religious counseling. And the third significant change between Senate Bill 224 and the committee amendment is in the last line of the definition, gender identity, and then the new words, against an individual's will. Those are the changes between the bill that we voted on last year and the Committee Amendment. So those are the changes.

Now here are the reasons why I think a majority of the committee supported those changes last week, and look, this was a compromise. Compromise, nobody gets everything they want. We're trying to protect counselors, therapists, psychiatrists, folks like our friend from Hanover, who professionally advised youngsters for all of their career. It's important, I think, that they have licensed professionals to be able to go to and talk about these very important issues that affect them, their entire being. And to do so without running afoul of their board for disciplinary purposes. What we're trying to prevent, for lack of a better word, is when an individual, a counselor, would really push somebody against their will by imposing a viewpoint. That's what we're trying to prevent. We're trying to protect counselors to be able to do the very hard work of helping people that are going through issues that a lot of us have never been through, but the kids that are going through it, oh man this is their life. And it's important that they have professional help. We put in the, in the definition on the fifth line down, religious counseling because to her credit, our friend from Portsmouth had the non-infringement language which you see at the bottom of the amendment. And so it mirrors the intent of the non-infringement language at the bottom of the amendment by putting it into the actual definition.

Now I understand that everybody comes to this issue with their own personal point of view. And that's a great thing. It's what makes this body just such a wonderful place to be. And we do it hopefully with respect, especially on these conscience issues, that everybody's opinion, beliefs, principles, are important. But we try, I think the committee tried, and we spent a lot of time going back and forth. As Chair of the committee, normally I try to have fairly loose proceeding but boy, I was loose that day. It was like a discussion. First it was our friend from Rochester and our friend from Hanover. Then it was our friend from Nashua and our friend from Hanover. And then it was our friend from Portsmouth and me. It was like the five of us with a room full of people watching us just having a discussion about how to make this work. And I'm not going to say that all five of us were really comfortable on what this language was, but the majority of us were, and I think it works to do what we're trying to do. Which is ensure that professionals can counsel kids at very difficult times in their life, without imposing a viewpoint or trying to change them against their will, and not being denied the opportunity for religious counseling.

So I would ask that you vote for the Committee Amendment, I understand my friend from Portsmouth thinks that it might have a better chance with her Floor Amendment to get through the House. I understand that and I guess we see that slightly differently. But I think this is a reasonable compromise on a very difficult issue, and I would ask a positive vote for it. Thank you, Mister President.

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

SENATOR LASKY: Thank you, Senator. When I saw the infringement clause here, I thought you wouldn't need the language in the first paragraph about religious counseling, because to me they're one and the same. Is that true or how do you answer that?

SENATOR BRADLEY: I would answer it this way, I think that there was a lot of discussion about that. And I think, virtually all of us, I think, I hope, I'm not speaking out of turn for anybody, felt that it's very important to protect religious liberties. And so if we're willing to protect it with the language here at the end of the bill, there would be no problem putting it here also because it just makes it clear that religious counseling and non-infringement of religious liberties is what the intent is.

SENATOR LASKY: It doesn't give one more importance than the other? Or more important than the other?

SENATOR BRADLEY: I don't believe it does.

SENATOR LASKY: Okay, thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I would join the Senator from District 3 in asking that the people here in this body vote for the Committee Amendment. I believe it improves the bill from what it is. We don't know what is in the amendment that the Senator from District 21, and to vote it down in deference to her amendment when we don't even know what it is, makes little sense to me. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I would just like to speak to the changes that Senator Bradley mentioned. And to tell you that while we were attempting to incorporate everyone's concerns about

this legislation, that we heard after the fact that by adding some of the language, that you heard was added in this bill, that we open it up unintentionally to misuse and for the potential of under the language for conversion therapy to be permissive. In the original bill, which you passed here as Senator Bradley spoke to last year on a vote of 15-8, the definition provided a very narrower definition for conversion therapy and it's clear in all the language, professionals are not kept from hearing the thoughts, ideas, and feelings of people about sexuality and gender identity. I think it's also important to realize that the courts have already ruled that prohibiting conversion therapy is not unconstitutional, and does not violate religious liberty, and does not violate parental rights. A parent could always seek conversion therapy for their child, but what we want to make sure that in New Hampshire, that that is not an acceptable practice. Because we have heard from all of the various professional entities that forcing children to go through coercive treatment to change their behavior is dangerous. That it leads to increased suicide, increased depression, and in actuality it isn't effective.

So I would just say to you that if you really believe that New Hampshire should step forward and ban conversion therapy, that we need to vote down this amendment, and vote for the amendment that will come next. Which is the very same language that fifteen of us voted on last year, which contains as Senator Bradley spoke to, the language about non-infringement that nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion. You just heard me say that that's been held up in the courts. And I think it's time that we as a state move forward and made it clear that professionals should not be allowed to practice conversion therapy in the state of New Hampshire, and that we want to make sure that we give the opportunity to ban that practice the best possible chance of passing in the House. And so while these small language changes may seem like they're not important, I think they really will put passage of this legislation in jeopardy. Thank you very much.

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

SENATOR GIUDA: Thank you Senator, for taking my question. In the amendment currently under consideration, on the fourth line it says, conversion therapy shall not include talk therapy. For my own information, what modalities of therapy are there in conversion therapy? Obviously if you're excluding talk there must be some other modalities and I'd be interested to know what those might be?

SENATOR FULLER CLARK: Well, I think one of the reasons we don't want this amendment to go forward is because there's a lot of confusion about the vagueness of putting language in here about talk therapy. So in the amendment that I'll be bringing forward, that language has been dropped.

SENATOR GIUDA: I'm not sure that you answered my question, Madam Senator. Talk therapy seems to be one particular modality, what are other types of therapy that are used here? Because if we're exempting talk therapy then there must be some other things that are done or practices that are engaged in and I'd like to know what those may be.

SENATOR FULLER CLARK: Well, I think that there are a lot of other practices that we've heard about that might be used by someone who is practicing conversion therapy. It could be such things as an attempt

through physical imposition on a young person to force them to think differently about who they are. That has been known to occur in conversion therapy. But so, but I'm not really sure that I'm still answering your question. I think mostly when we think about therapy, therapy is engaged in discussion, exploration, exchange between the counselor and the patient. So one, as I said to you, I've heard concerns that this is too open-ended, and secondly, that there isn't really a good definition for separating out talk therapy from counseling in general because counseling is fundamentally talk therapy.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the Committee Amendment. Page 10 of your calendar, the definition of conversion therapy, the thing we're just talking about. An exclusion to the definition of conversion therapy is talk therapy, whether the inclusion of this basically eats up the definition of conversion therapy and that's very problematic. So, for that reason, and many other reasons, I oppose the committee amendment. One thing about the Committee Amendment that's consistent with Senate Bill 224, which is Senator Fuller Clark's potential impending Floor Amendment, is the non-infringement language. That's in the Committee Amendment, that's in Senator Fuller Clark's Floor Amendment. That was in Senate Bill 224 and that's a bill that this body, Mister President, voted 15-8 to support including six Republicans. So, to my good friend from Rochester, who voted for that bill last year, Senate Bill 224, but didn't vote for this Committee Amendment, I think I would argue, you would want to vote this down so you can vote for the bill that you voted for last year. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. I rise in support of the Committee Amendment. And reading through the hearing report, there, a number of therapists came, it looks like a number of therapists came out very concerned about the original bill. Doctor Calvidish said, psychotherapy is a form of treatment that requires a lot of freedom of thought and speech that needs to allow the patient and the therapist to talk about whatever they would like to. Both parties need a safe space to discuss thoughts and feelings without preconceived notions of the right or correct outcome. They're concerned the therapist might stop a discussion when a patient brings up unwanted sexual feeling because they're worried about violating this act. Doctor Shillaber stated, a mother came to her, said that her daughter was in a lesbian relationship and that the mother wanted her to change it. Doctor Shillaber responded that she would work with the daughter on her personal goals. The daughter was not interested in exploring a heterosexual relationship and it was not discussed because that is not why the girl wanted to be there. Why the girl was really there was because she was raped by her cousin who was a male. So these are the open thoughts and conversations that therapists need to have. And while the good Senator from District 21 says vagueness in the language there is vagueness in an amendment that we have even heard has not even had a hearing. So again, we're voting this down but there was a lot of work that was done. It was discussed in committee and I feel that we need to move ahead with this amendment. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise asking that you defeat the Committee Amendment and I'll tell you, much of what I wanted to say has already been said. But I'd like to say I was part of that discussion in the hearing and there was a lot of misunderstanding. Especially surprisingly by some of the therapists who spoke. Of course a therapist can talk with any of his or her clients about their sexual preference. That is never forbidden. What is forbidden is to take stand and do usually what is also called aversion therapy in order to get somebody to change their sexual preference. That is what is not allowed. Part of my problem with the words talk therapy in there is that those are vague. I suggested at one point maybe talk psychotherapy or something that would be more clear. But of course therapists take a risk every single time you meet with a client, you take a risk. You're not allowed to touch your client inappropriately; you're not allowed to have a sexual relationship with your client obviously. All of those things if you are going into this profession and you don't think you can stop yourself from doing something that is harmful, you should not be in that profession. As I said in the committee, I have to be concerned about the fact that my practice was for a while, I had my own building and then I had a practice in the basement of my house. If somebody went out the front door and slipped on the ice, I also have that responsibility. So honestly, this is part of being a psychotherapist. You take on some of these risks. And as long as you know, you are not doing harm and your goal is not to do harm, it's not going to change anybody's practice. I worry about those people who think they can't do this kind of; they can't have talk therapy or have psychotherapy sessions without doing something that's illegal. They need only to evaluate why they're doing what they're doing and review the ethics standards. So I strongly urge you to defeat the committee amendment. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise just to look at that sentence about conversion therapy exclusions and I hope that this can answer the questions raised by the Senator from District 2. So if you'll open the, to page 10 again, sometimes grammar really matters and it does in this sentence. You see the phrase, you know we have talk therapy, religious counseling, and then you see the phrase that provides acceptance, support, and understanding to that individual. And the absence of commas that phrase applies not only to talk therapy but also to religious counseling. So the exclusion here does not apply to talk therapy. That does up above efforts to change behaviors or gender expression to eliminate or reduce the sexual romantic attractions. And also note as well in the next passage about nor does it prohibit facilitating individual's coping, social support system, and identity exploration and development, including sexual-orientation neutral interventions. So I think that, I hope that offers some clarity here that yes, talk therapies that attempt to change individual's sexual orientation, as noted in that first part, would not be included in that exemption which only exempts talk therapies that provide acceptance, support, and understanding to that individual. Thank you, Mister President.

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

SENATOR SANBORN: Senator, thank you for taking my question. I think a lot about the debate we had last year on this, right? And if you remember I asked questions relative to trying to understand the legislative intent of what our discussion was. And it was very important to me

at that time and it's very important to me today that protecting religious freedom, and the first amendment of being able to speak someone's mind, was really important and how are we trying to parse and parcel our way to ensure people can have a conversation and we can still find protections. So while I'm thankful that you actually put statements in here relative to protecting the free exercise of religion, help me understand. So if I go back up to the first line, for the definition in this chapter of conversion therapy means the practice or treatment which impose a viewpoint. If someone's getting religious counseling, if they have a viewpoint. So when does it cross over from being having a viewpoint versus expressing that viewpoint or imposing that viewpoint? Because further on down below, four lines down, it implies to me, and this where I'm trying to understand, that the counselor must have acceptance, as the Senator from District number 4 had said, must have acceptance of it. So I'm trying to wrestle with and trying to ensure right? So I'm trying to ensure that if someone who has religious convictions and they're providing religious counseling, that we're not inadvertently tripping them up, that they're still allowed to have their belief, they're still allowed to have their convictions, and we're not hog-tying them by specifically imposing versus have and requiring acceptance of it. So how do we protect, how do we protect the religious community in that regard?

SENATOR BRADLEY: Let me answer it this way. This is a very difficult topic. I agree with our colleague from District 4 that language matters. It's the intent of this language that we not undermine the ability of counselors to be able to provide counseling whether it's religious counseling or other kinds of counseling that would help somebody understand what's going on in their life. That's clearly not the intent. And so, the addition of the phrases, which impose a viewpoint, and against an individuals will, are to try to clarify the legislative intent as to what crosses the line. If you are a counselor and you are trying to understand and talk about with your patient what's going on in their life, that's not imposing a viewpoint. But if you're trying to impose a viewpoint, the intent here is that you set a pretty clear line, you're imposing a viewpoint, whether it's yours or somebody else's viewpoint. And the protection that you're doing it against an individual's will is also trying to set that line. Nothing's perfect. This is our best attempt.

SENATOR SANBORN: Thank you for the answer, I appreciate that. So it's, for legislative intent, it's your belief that having a viewpoint is protected, but imposing that viewpoint on others would not be?

SENATOR BRADLEY: Absolutely.

SENATOR SANBORN: Thank you, thank you.

SENATOR BRADLEY: And I'll answer it this way. Senator, you have all sorts of viewpoints.

SENATOR SANBORN: One, maybe two.

SENATOR BRADLEY: But until you got thirteen people agreeing with you, you haven't imposed anything. That's kind of the difference, well you only need twelve others in this room. You see my point?

SENATOR SANBORN: Yes, thank you.

SENATOR BRADLEY: And I have those viewpoints too. But until twelve people are with me, nobody's imposed anything. And that's what the intent here is.

SENATOR SANBORN: Thank you. Thank you.

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

SENATOR AVARD: Thank you, Senator for taking my question. With regards to all the conversation that's going on one of the things that I think is important to understand is, there's already an organization that frowns on the practice of conversion therapy. In order for you to hold your license by a particular board, if this particular board found out that you are practicing conversion therapy you would most likely be convicted if you will, or frowned on by your peers, would lose your license already. Is that correct?

SENATOR HENNESSEY: That is correct. But depending on the organization, but yes, the one I'm subscribed to, yes.

SENATOR AVARD: So why do we need this law, if the practice is already, if you practice this, you're already going to lose your license if you're found out?

SENATOR HENNESSEY: Well, first of all, this would make it something that you could even advertise. You could act, you could say I'm going to provide conversion therapy which I think is immediately something that should not be allowed. I don't know how many, we've talked about before but I don't know how many people realize there's a significant difference between conversion therapy and regular, what I do, which is regular. It's shaming, it's hurting, it's literally physically hurting at times having rubber bands that you snap against your wrist, and we're talking about people under eighteen years of age. So my answer is that there are lots of things in our society where the association would say you can't do that. You know, the medical association says that the person who was the physician for the U.S. Olympic Gymnastics team would lose his license if he did the things he did. But they also made it so it was against the law. It also is against the law. So it's not, it doesn't have to be one or the other. It's that serious in my mind.

SENATOR AVARD: Just for clarification. If somebody advertised that they had that they were doing conversion therapy, that would alert the boards then to say, to revoke their license to practice?

SENATOR HENNESSEY: Somebody has to report it.

SENATOR AVARD: But if you're advertising, you just reported yourself.

SENATOR HENNESSEY: Yeah well, I guess you are. As long as people are paying attention to it. Unfortunately many people who get, even those who are in conversion therapy have no idea that's what's going to happen. And so what, if you ask the average person on the street would they even know what conversion therapy is. I have to say, I think these are things that are happening almost entirely underground now. People are not out there because they know that it's against their boards and I believe it would make it even that much firmer if it were also something that we legislated.

SENATOR AVARD: So then are we to conclude that the boards are ineffective as to setting their own rules?

SENATOR HENNESSEY: No, I didn't make that conclusion at all.

SENATOR AVARD: Thank you.

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

SENATOR GIUDA: So we're talking religious therapy. So a deacon, or a minister, or a priest, or a rabbi, or an imam, says to a troubled teenager, you know that the Koran, and the Bible, and the Torah, and so forth, view this behavior as sinful, and therefore not good for your moral health. Has that person violated the statute? Because it's not necessarily providing acceptance, support, and understanding. To put in a religious counseling exception that says, you can't profess the very basis of the thing that you are an intrinsic part of, to me seems a very difficult problem, one that's not resolved in this legislation. Can you help me with that?

SENATOR FULLER CLARK: Well I believe that if you look at the language about non-infringement, it says, nothing in this chapter shall be construed to infringe on the constitutional right including the free exercise of religion. So that would allow an individual, as you referred to as a minister, an individual who is a pastor, an individual who is representing some of the other religions that you mentioned, within their pastoral capacity they are allowed to profess such thoughts as you shared with us right now. They are not however allowed under this legislation to advertise that they are providing that type of counseling and being paid for it. So it has to be within the context of practicing their religion, not practicing counseling professionally because all of the professions that are identified who therapy goes from pediatricians, to different kinds of therapists, have said there is no evidence of any kind that through pressure, or degrading someone because of their feelings, or however else you might try to convert them away from the feelings that they're having is, really possible professionally. And when we've heard that, well why do we need this legislation, we not only need this legislation to make it clear that this type of therapy is not professionally approved but also it provides language here so that if someone, a young person, has been forced to go through conversion therapy they know that that is a type of professional counseling that is not approved and can be dangerous.

SENATOR GIUDA: Thank you for taking my question.

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

SENATOR DANIELS: Thank you. I think our previous discussion with the Senator from District 9, I think we agreed that you can have varying viewpoints on the same issue. Is that a correct statement?

SENATOR BRADLEY: Yes.

SENATOR DANIELS: Okay. So, if you had a viewpoint in support of this and I had a viewpoint opposed to this, going down to line 10, it says a conversion therapy shall not include talk therapy or religious counseling that provides acceptance, support, or understanding of that individual. So explain to me how your viewpoint and basically your imposition of your position on this is acceptable, but it suppressed my constitutional right to give my viewpoint on the same subject.

SENATOR BRADLEY: I think the overarching criteria in the legislation in terms of a religious viewpoint is the non-infringement section at the end. I think our friend from Portsmouth just explained the differentiation of what a religious counselor would mean in the earlier part of the definition. If you were a counselor paying for, or advertising getting paid for, but you're also a religious lay person, or expressing religious beliefs. I think, as I tried to explain to our colleague from Senate District 9, having a viewpoint and imposing a viewpoint are two different things. And I don't believe that talking about viewpoints is imposing a viewpoint.

SENATOR DANIELS: If I am a certified doctor and I am talking to my minor child, how am I protected under this from losing my license?

SENATOR BRADLEY: There is nothing in this bill, and we've had this discussion now I think on three different occasions. There's nothing in this bill that interferes with parent child relationship. This is strictly about licensed counselors operating under a license.

SENATOR DANIELS: Just a final question. So I understand that if you support something it's not imposing, but if I oppose something that's imposing? If I'm supporting something that's not imposing, but if I'm opposing something, that's imposing?

SENATOR BRADLEY: I'm not sure I agree with that. I mean look, I go to the doctor. Doctor tells me Bradley, you got high blood pressure, you ought to take pills, and he further goes on to say, and you're fat, and you're ugly, and you probably snore. I might not be too happy, but I ought to listen to him on the blood pressure medication. I mean, there's no language that's perfect. This is the best language that we can have, I believe, in terms of trying to protect folks that are counseling kids from disciplinary action in front of their boards while preserving religious liberties. While at the same time not imposing a view against the individual's will. That's what we're trying to get at.

SENATOR DANIELS: Thank you, Mister President.

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

SENATOR AVARD: Thank you, Senator for taking my question. The Senator from District 19 mentioned something about our committee hearings and about some professionals that were there. Medical doctors, psychologists, pediatricians, that came out and opposed the overarching understanding of this bill. We know, and we've established in our conversation today, that boards if discovered would pull the license, maybe one board or multiple boards, will pull your license to practice if it is discovered that you are practicing conversion therapy. One of the doctors that testified was very concerned that in his practice of the free thought it will actually pull back and make them think twice before they actually consider taking a case. Do you feel that if we enact this law, that there will be psychologists, counselors, many other people out there who can actually help through this process, pull back and say look, we don't want to leave this up to the lawyers to decide whether I was trying to intervene or help? Is that a possibility that that could happen, that this turns into litigation for false accusations?

SENATOR FULLER CLARK: I do not believe so and I'll tell you why. And we heard just as many people from the professions that you enumerated, who were in favor of making sure that we clarify that conversion therapy is not a medical practice that should be allowed to exist. If you look at the second half of this paragraph, and we've talked a lot about acceptance, support, and understanding to that individual, that you need to go to the next sentence which says, nor does it prohibit facilitating an individual's coping, social support systems, and identity exploration and development, including sexual-orientation neutral interventions to prevent or address unwanted contact or unsafe sexual practices. It is important it says, if such counseling does not seek to change an individual's sexual-orientation or gender identity. So as long as a practicing therapist makes it clear that they were not seeking to change that individual's sexual orientation or gender identity, they are not going to

be deprived of their license. And I believe for many of the people that we heard from, they failed to understand to what degree that language provides a safe boundary for them.

SENATOR AVARD: Thank you, Senator for answering the question, but one of the statements from one of the professionals that were opposed to this bill, was the fact of I believe he used the word perception. If one is perceived to violate this law, if it comes into pass, there will be litigation that not only then takes away this individual's license, but also now they have to pay for lawyer's fees. Could that same individual who feels as though, or the people involved, feel as though they were violated, go to the board and have a license revoked today? Is there anything stopping them from doing that today?

SENATOR FULLER CLARK: I don't believe that, to answer your question, that being called up before a board necessitates litigation, necessitates having a lawyer. It provides an opportunity for that individual to explain what was going on in relationship to the therapy that they were providing. And then it's up to the board, which is made up of a number of individuals, to decide whether or not that rises to the level of conversion therapy. So it doesn't end up in the courts until such time perhaps if the finding of the board was something that the individual disagreed with. But the whole purpose of the language in here saying that, you know the way this is handled is by going before the boards that grant you a license. So I find it hard to understand that the first step would be litigation. And I believe in most instances that a professional would have the opportunity to explain their practice and if they weren't trying to convert someone's gender identity, that they would be allowed to continue to practice.

SENATOR AVARD: One final follow-up if I may.

SENATOR FULLER CLARK: I'm finished, thank you.

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

SENATOR BIRDELL: I only have one. Are you aware that last year in the House, Doctor David Pickup, he practices out of Texas, he's a licensed psychologist, testified in the House that in California, and he used to practice in California, California passed similar legislation, I think it's more similar to the House Bill. But because of that many of the therapists in California chose not to deal with any more children who were having sexual orientation or gender identity issues? Are you aware of that?

SENATOR FULLER CLARK: I was not aware of that testimony. However, I know that, you know, there is a wide range of therapists that one can seek out so if a particular therapist decides not to practice it doesn't mean that there aren't other therapists that are available.

SENATOR BIRDELL: Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise and ask that we overturn the committee report. You know we've been dealing with this issue again and again and again. I know it's uncomfortable for many on both sides and we want to be talking about things we can expand opportunity but we need to deal with this issue. And lots of discussion, lots of confusion, lots of questions, not a lot of people standing

up and defending conversion therapy, but hopefully we'll have the opportunity to hear that. That confusion is just a purpose to try to make this bill unsuccessful. And we have to recognize that this is not a difficult one, this is not a confusing one, this is something that we can do and we need to do. This practice, it's a backward, barbaric practice aimed to scare the gay away. That's what this is about, pure and simple. If we were writing it on a wall with spray paint it'd be a hate crime. This is what we're doing and we need to call it what it is. We need to move forward and we need to overturn this committee report, and go back to the bill that we dealt with a while ago, that Senator Fuller Clark is bringing and move this forward. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I just wanted to answer also, or respond, to some of the questions that we're being asked too. First of all let me just say that two very reasonable people can look at something like this and have a whole afternoon of testimony and remember different people who spoke. So I just want you to know that if you look at the hearing report, there were a lot of very sophisticated people who came to talk in support of the ban of conversion therapy. I also want to say that we got into quite a discussion about the fact that we might be opening up people to leaving the profession or fears of being reprimanded in some way by the professional association. Every single time my daughter, who's an OBGYN, walks into a room with a patient, who's mostly naked, she opens herself up to a lawsuit. Every time she does surgery, she opens herself up to a lawsuit. Every time I met with any child in my house, in my office, behind closed doors, I opened myself up to a lawsuit. That's why I have liability insurance. That's why every two years I have to take more ethics classes to be sure I understand what is ethical and what is not. We all open ourselves, unless you're in the Senate, you open yourselves up to liabilities. Anybody who has a hotel opens themselves up to a lawsuit. That's the nature of our U.S.A. and that's the way we live our lives. If, and I will say it again, I've said it before, if a psychologist, a licensed clinical psychologist, is not going to practice because they're afraid they're going to do something wrong, I worry about that psychologist. If a doctor is not going to see a naked baby in front of them because he's afraid he's going to do something wrong, I don't want that doctor for my children. So, you know that's all I have to say. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. You don't see anything in this bill that prohibits encouraging a conversion to confused child, towards a lesbian gay LGBT lifestyle. This is all one-sided. We're going to stop the discussion of anything that might challenge what you're thinking. We're not going to stop the discussion that it might advance what you might be thinking. That's not a good bill. I would prohibit anything pro or con, shut up and listen and don't say anything. That's really not therapy is it? I would take offense at the remarks of the Senator from District 1 who impugns the questions of the people in this body as being merely a political ploy. That is sheer nonsense and is disrespectful of the body and anyone who asks the question. Thank you for your indulgence, Mister President. There's nothing in this bill that is fair. It is all pushing towards one direction. And I'm very happy to put an amendment in at some point that says let's make this objective. Because there is conversion therapy that goes the other way. We have allowed a certain segment

to define conversion, but conversion goes both ways. If a confused teen sits in a doctor's office and says I'm not sure, we're saying we can't tell you, you shouldn't probably go that direction. But there's nothing wrong with telling you that you can. And for that reason I cannot support the bill. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

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

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes for an introduction.)

SENATOR FELTES: Mister President, it's my great honor to welcome to the Senate Gallery the fourth grade class, one of the fourth grade class, of the Christa McAuliffe School here in Concord. Let's give them a round of applause.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

April 19, 2018

2018-1654s

01/04

Floor Amendment to HB 587-FN

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

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor,

or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

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

SENATOR FULLER CLARK: This message is the identical language, or this amendment is the identical language to Senate Bill 224 which passed this body last year by a vote as I understand it of 15-7. I urge the Senate to reaffirm that vote by voting in favor of this amendment and sending this across to the House because it will have the greatest chance of passing. Thank you.

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

POINT OF ORDER

(The Chair recognized Senator Birdsell for a point of order.)

SENATOR BIRDSSELL: Are we doing a vote now without even a discussion about the amendment?

PRESIDENT MORSE: That's up to you, Senator.

SENATOR BIRDSSELL: Mister President, can we hear a little bit about the amendment?

PRESIDENT MORSE: That would be up to the body.

SENATOR BIRDSSELL: Wow.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Alright so, let me try to outline the differences. If you have the calendar and the amendment after the words, means practices or treatments that seek to change an individual's sexual orientation, the words, which impose a viewpoint, are deleted. On line 10 of the amendment conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition. So the phrase, talk therapy and religious counseling, are deleted and at the end of the definition on line 15 the amendment ends at the word, gender identity, and so deleted from the committee amendment are the words, against an individual's will. I believe everything else is the same as the Committee Amendment and Senate Bill 224. Those are the differences. It takes out religious counseling in the definition of conversion therapy on line 10.

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

SENATOR SANBORN: Senator, thank you for taking my question. So is it your opinion having chair of the committee, heard the testimony and had an opportunity to review your amendment, this amendment, everything, would voting in favor of this amendment strip away or diminish the protections for people to try and maintain some level of religious freedom in this discussion?

SENATOR BRADLEY: No. And the reason I say no is what's in line 28 through 30. That is an overarching section of what will be Chapter 332-L which will not prohibit any infringement on the exercise of free religion. In the Committee Amendment, in the definition religious counseling was more belt and suspenders.

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

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

SENATOR GIUDA: Lines 28 and 29, nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion. So are not the licensing boards for these professionals government entities?

SENATOR BRADLEY: Yes, they are.

SENATOR GIUDA: And is not the function of the constitution to prevent, or to protect, individuals from over burdensome intrusion or infringement on the rights if they are engaged with government?

SENATOR BRADLEY: That's correct. The language says nothing shall be construed to infringe upon any constitutional right including the exercise of free religion. The definition in Section 1 and the prohibition in Section 2, talk about professionally licensed counselors, and so that's where the ban on conversion therapy, which is defined in the definition, would come from. For those counselors, but not a religious person operating as a pastor, or you know all of the various roles that a religious counselor might have. But not a professionally licensed one.

SENATOR GIUDA: Thank you, Mister President. So the first amendment guarantees the right of free speech and if we are seeking to truncate the first amendment with a law for someone that is engaged in a conflict with the government when it comes to the enforcement of that law, are we not then violating that constitutional amendment?

SENATOR BRADLEY: I don't believe we're violating that constitutional amendment. The scope of Sections 1 and 2 in Senator Fuller Clark's bill deal with licensed individuals. Nothing is prohibiting somebody from exercising either free speech or freedom of religion. It only becomes an issue when one is a professional counselor being paid, advertising, subject to the oversight of the boards that they receive their license from.

SENATOR GIUDA: Not to beat a dead horse Mister President, but if the licensing agency's a government entity, this then infringes on the first amendment rights of a counselor in dealing with an individual.

SENATOR BRADLEY: I guess I don't see it the same way you do.

SENATOR GIUDA: Thank you.

The question is on the adoption of the Floor Amendment.

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

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

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

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

INTRODUCTION OF GUESTS

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

SENATOR D'ALLESANDRO: Thank you, Mister President. We have up in the gallery UNH Manchester professor, Steve Pimpare and his students. They're here observing the Senate for their class in New Hampshire Politics in Action. Rise and be recognized.

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

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

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

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 298, relative to licensing requirements for apprentice plumbers. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

April 11, 2018

2018-1470s

10/05

Amendment to HB 298

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

AN ACT relative to the mechanical licensing board.

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

1 Mechanical Licensing; Definitions. Amend RSA 153:27 to read as follows:

153:27 Definitions. In this subdivision:

I. "Board" means the mechanical licensing board established in RSA 153:27-a.

II. "Domestic appliance technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas domestic appliances designed specifically for residential use, limited to residential clothes dryers and their venting systems, domestic stove tops, cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.

III. "Fuel gas fitter" means a hearth system installation and service technician, **a domestic appliance technician**, a fuel gas installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by this subdivision.

IV. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, **equipment**, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

V. "Fuel gas installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VI. "Fuel gas piping installer" means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

VII. "Fuel gas service technician" means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VIII. "Fuel gas trainee" means any person engaged in the process of meeting the licensing requirements of this subdivision, who shall work under the ***direct*** supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or first stage regulator, and the repair or installation of residential and nonresidential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems, hot water heating systems, ***domestic appliances***, or hearth equipment systems utilizing liquefied propane gas or natural gas.

IX. "Hearth system installation and service technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

X. "Journeyman plumber" means any person who customarily performs the work of installing, maintaining, and repairing plumbing and drainage under the direction of a master plumber.

XI. "License" means any license issued pursuant to this subdivision.

XII. "Master plumber" means any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for its own account.

XIII. "Person" means an individual, natural person.

XIV. "Plumbing" means the practice, materials, and fixtures used in the installing, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems. For the purposes of this subdivision, the term "plumbing" shall not apply beyond the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building.

XV. "Plumbing apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship advisory council established in RSA 278 ***or the rules of the board***.

XVI. "Water treatment system" means any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus.

XVII. "Water treatment technician" means any person who installs, maintains, or repairs water treatment systems.

XVIII. "Water treatment trainee" means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this subdivision.

2 Business Entities License. Amend RSA 153:29-a, I to read as follows:

I. The board may issue a business entity a license without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the board and, if no other officer, partner, manager or designee, is licensed as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other officer, member, or designee, has obtained a license as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber. Notwithstanding any other provision of law, the board shall not require a fee for a business entity engaged in fitting and/or plumbing where a licensed ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber is the sole individual holding the license of the business entity.

3 New Paragraph; Business Entities; Good Standing; Insurance. Amend RSA 153:29-a by inserting after paragraph V the following new paragraph:

VI. All business entities shall provide proof of good standing with the secretary of state and proof of liability insurance prior to issuance and renewal of a business entity license.

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

2018-1470s

AMENDED ANALYSIS

This bill clarifies the definitions of persons licensed by the mechanical licensing board and requires business entities to show proof of good standing and insurance.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 298 Ought to Pass with Amendment. This bill will make New Hampshire more competitive through, with other programs and trades and it will directly reduce the workforce shortage. This bill will clarify the definitions of persons licensed by the Mechanical Licensing Board and will require all business entities to show proof of good standing with the Secretary of State's Office and proof of liability insurance prior to issu-

ance and renewal of a business entity license. Currently the plumber apprentice program is controlled by the Federal Government and the Mechanical Licensing Board does not have a say. This legislation will allow the Mechanical Licensing Board to test out apprentice plumbers after the first or second year after which time their third and fourth year on the job will be with supervision, but not direct supervision. This is a four year program and they are seeing people drop out after the third year because of the time consuming education requirements. The Mechanical Licensing Board is trying to make it easier for plumbers to become licensed in their field. This will also give the Mechanical Licensing Board more control with the New Hampshire Apprentice Program within the state. The ED&A Committee voted favorably Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

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

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

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

Senate Executive Departments and Administration

April 11, 2018

2018-1467s

05/10

Amendment to HB 1104-FN

Amend the bill by replacing section 4 with the following:

4 Administrative Provisions; Extensions for Conservation Commission Action on Wetlands Applications. Amend RSA 482-A:11, III(a) to read as follows:

(a) Upon written notification to the department by a municipal conservation commission, ***a local river management advisory committee, or the New Hampshire Rivers Council*** that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission, ***local river management advisory committee, or the council***, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier, subject to an extension ***of up to 40 days***, as permitted by the [department] ***commissioner, for good cause shown***. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. Where the [department] ***commissioner*** grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended ~~[until a date]~~ ***for up to 40 days as*** agreed to by the applicant and the department. If a conservation commission, ***a local river management advisory committee, or the New Hampshire Rivers Council*** makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation

commission, *local river management advisory committee, or the New Hampshire Rivers Council* pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1104 Ought to Pass with Amendment. House Bill 1104 shortens timelines related to dredge and fill printed applications, establishes time limits for recommendations on grants of right petitions, reduces time limits for agency actions on applications, provides that failure of an agency to act within a certain time, limits shall be treated as agency approval, requires the Secretary of State to allow online business and corporate filings, and establishes and clarifies time limits for agency action on applications, petitions, and requests by various departments. The bill as amended addresses notification and extension provisions for wetlands and includes not only conservation commissions, but also the Local River Management Advisory Committee or the New Hampshire River Councils. Please join the ED&A Committee in supporting the motion of Ought to Pass with Amendment on House Bill 1104. Thank you, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR WOODBURN: I received some concerns. Will this go to Finance with an opportunity to discuss it further?

PRESIDENT MORSE: Yes.

SENATOR WOODBURN: Okay. Thank you, Mister President.

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

(The Chair recognized Senator Ward)

SENATOR WARD: Thank you, Mister President. I rise in opposition to House Bill 1104. I'm very concerned that the reduced application process time limits will weaken the ability of the Department of Environmental Services to adequately protect our wetlands. In RSA 482-A:1 in the finding of public purpose, to protect and preserve its submerged land under tidal and fresh waters and its wetlands and in other contents for despoliation and unregulated alteration. In our proposed bill here we have on page 6, may for just consideration grant to an owner of a shoreline on public waters the right to excavate, remove or dredge any bank, flat, marsh, swamp or lakebed before the owner's shoreline. That is what could happen, and we have a bill now that essentially guts the intent of the public purpose. In addition we have an automatic permit approval if the DES does not act within the shortened time frame, which further poses a lot of danger to the protection of our wetlands. In addition right now we should know that the DES is in the process of updating all its wetland rules, and I believe that maybe we should hold off on this bill until those wetland rules are published. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise in favor of the bill as amended. I think it's important that everyone understand that the Department of Environmental Services were actively involved in this process and they had agreed to these timelines. And we had testimony that one of the bigger problems here is that getting these permits are just taking way too long. That's why we have a section in there creat-

ing what is known as a certified planner. In order to take care of the smaller projects so they can concentrate on the bigger ones. But I think it's important, Mister President to emphasize the Department of Environmental Services were very involved in this process. They agreed on this language and to these deadlines and they testified to that in the public hearing. Thank you very much, Mister President.

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

HB 1427-FN, relative to membership in the retirement system for certain officials.

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

Senate Executive Departments and Administration

April 11, 2018

2018-1472s

10/05

Amendment to HB 1427-FN

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

AN ACT relative to the reduction in the calculation of state retirement system annuities at age 65.

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

1 Retirement System; Service Retirement Benefits; Reduction Age. Amend RSA 100-A:5, I(b) to read as follows:

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of [age 65] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of [age 65] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.

2 Retirement System; Ordinary Disability Retirement Benefits; Reduction Age. Amend RSA 100-A:6, I(b)(1)(A) and (B) to read as follows:

(A) Prior to the member's attainment of [age 65] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ***or her*** ordinary disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** ordinary disability retirement;

(B) After attainment of [age 65] ***the member's full retirement age for Social Security***, the state annuity, together with the member

annuity, shall be equal to 1/66 of the member's average final compensation at the time of his *or her* ordinary disability retirement multiplied by the number of years of creditable service at the time of his *or her* ordinary disability retirement;

3 Retirement System; Accidental Disability Retirement Benefits; Reduction Age. Amend RSA 100-A:6, I(d)(1)(A) and (B) to read as follows:

(A) Prior to the member's attainment of [age 65] *the member's full retirement age for Social Security*, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his *or her* accidental disability retirement multiplied by the number of years of creditable service at the time of his *or her* accidental disability retirement;

(B) After attainment of [age 65] *the member's full retirement age for Social Security*, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his *or her* accidental disability retirement multiplied by the number of years of creditable service at the time of his *or her* accidental disability retirement;

4 Effective Date. This act shall take effect 60 days after its passage.
2018-1472s

AMENDED ANALYSIS

This bill provides for the application of the reduction of a retiree's annuity at the member's full retirement age under the federal Social Security system.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1427-FN Ought to Pass. House Bill 1427 will provide for the application of the reduction of a retiree's annuity at the members full retirement age under the federal social security system. Presently under the retirement system, upon service retirement an employee member shall receive a service retirement allowance consisting of the member's annuity at the time of retirement and a state annuity. This legislation asserts prior to a member's completion of full retirement age for social security, the state annuity together with the member annuity shall be equal to one-sixtieth of the member's average final compensation. After attainment of the member's full retirement age for social security, the state annuity, together with the member annuity, shall be equal to one-sixty-sixth of the member's average final compensation. This legislation was a recommendation which came out of the Decennial Retirement Commission. Please join the ED&A Committee in supporting the motion of Ought to Pass with Amendment on House Bill 1427. Thank you, Mister President.

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

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

HB 1506-FN, relative to regulation of graduate physicians.

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

Senate Executive Departments and Administration

March 28, 2018

2018-1275s

10/03

Amendment to HB 1506-FN

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

AN ACT relative to the commission on primary care workforce issues. Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Commission on Primary Care Workforce Issues; Membership. Amend RSA 126-T:1 by inserting after paragraph XVIII the following new paragraphs:

XIX. A nurse with experience in primary care, appointed by the New Hampshire Nurses Association.

XX. A representative of the substance use disorder treatment community, appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association.

2 Commission on Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an interim report on November 1, [2015] **2018 which shall focus on the status of the New Hampshire State Loan Repayment Program and the New Hampshire division of public health service's health professions survey**, and a final report on November 1, [2019] **2020**, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, [and] the governor, **the oversight committee on health and human services, and the chairpersons of the senate and house executive departments and administration committees.**

3 Commission on Primary Care Workforce Issues Extended. Amend 2010, 114:4, I as amended by 2015, 238:4 to read as follows:

I. Section 3 of this act shall take effect November 1, [2019] **2020**.

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

2018-1275s

AMENDED ANALYSIS

This bill adds to the membership and extends the commission on primary care workforce issues.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1506-FN Ought to Pass with Amendment. This bill will add two additional members to the Commission on Primary Care Workforce and will extend the commission's deadline dates. The additional requested members would include a nurse with experience in primary care who would be appointed by the New Hampshire Nurse Association and addition to a representative of the substance use disorder treatment community appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association. An interim report with a reporting date of November 1st, 2018 will focus on the status of the New Hampshire State Loan Repayment Program and the New Hampshire Division of Public Health Profession Survey. A final report from the commission will be extended to November 1st, 2020. The ED&A Committee voted 4-0 Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. There are six words in the Committee Amendment that I take exception to, and that is, amend the bill by replacing all. There was a lot of work done on the underlying bill. It took an email that I got last summer about physicians or MDs, people who graduate from medical school, and are not allowed to practice because they didn't get a match, and if they wanted to practice as a nurse

practitioner or even a physician assistant, they would have to go back through school to do that. We worked hard. I contacted one of my physician friends in the House and it took, I think it was three maybe even four times, having a conversation with him to get him to see the benefits of that. In fact, it worked so well in the House that there was I think four or five physicians that have testified on the bill to its advantages. I understand if the Senate is going to take a little time to be convinced. So without further ado I will say that if, whether, the amendment passes or not I have a piece of legislation that at least would change it into a study committee and I'll speak to that at the proper moment.

POINT OF ORDER

(The Chair recognized Senator Carson for a point of order.)

SENATOR CARSON: Thank you, Mister President. Point of, I don't know, order? I don't know what you want to call it. But I just have a question because we were speaking of the amendment and the good Senator from District 6 was speaking of the bill.

PRESIDENT MORSE: I think he spoke of six words in the amendment.

SENATOR CARSON: Okay, alright. So I want to make sure I speak to the amendment and I guess to the bill as we started talking about it. We had the public hearing, well-attended, only four people spoke in favor of this bill. And I would ask all of you to take a look at the hearing report. There are a lot of problems with this bill. A tremendous amount of problems. In fact in speaking to one of the sponsors of the bill, a House member, he told me he was shocked that it even passed the House. This bill is not ready for prime time and I look forward to the discussion when the good Senator from District 6 brings his amendment forward. Thank you very much.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Yeas: 10 - Nays: 8. Adopted.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

April 13, 2018

2018-1504s

10/04

Floor Amendment to HB 1506-FN

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

AN ACT relative to the commission on primary care workforce issues, and establishing a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state.

Amend the bill by replacing section 4 with the following:

4 Committee Established. There is established a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state.

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

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

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

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

III. The committee's study shall include, but not be limited to:

(a) Studying the issue of allowing medical school graduates who have not completed residency programs (graduate physicians) to work under supervision as physician assistant equivalents or as interns in hospitals in medically underserved areas of the state; including whether the Educational Commission for Foreign Medical Graduates (ECFMG) criteria is sufficient to consider international medical graduates eligible to practice under supervision; whether additional screening is appropriate or whether hospitals and medical groups would sufficiently vet their qualifications; and comparing their clinical training with that of other mid-level providers such as APRNs and physician assistants currently eligible to be licensed in this state.

(b) Oversight of graduate physicians through collaborative practice arrangements with physicians, to include any limitations on the scope of such arrangements and the method and degree of review of the graduate physician's delivery of health care services, including the use of telemedicine and similar measures to provide such review.

(c) The feasibility of providing educational opportunities to these individuals, including the use of distance learning techniques and online interactive conferencing to bring these opportunities to rural areas.

(d) The results of similar efforts in the state of Missouri in 2014, including successes and challenges.

(e) The degree to which services provided by graduate physicians might be eligible for federal reimbursement under Medicare, Medicaid, and other programs.

(f) The cost and potential availability of malpractice insurance for graduate physicians.

(g) Licensure required for graduate physicians, including whether it is reasonable to create a path to licensure as a physician and what period of time, education, testing, or other requirements should be considered for such an alternative path to licensure.

IV. The committee may solicit information from any person or entity the committee deems relevant to its study.

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

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

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

2018-1504s

AMENDED ANALYSIS

This bill adds to the membership and extends the commission on primary care workforce issues. This bill also establishes a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state

SENATOR GRAY: Thank you, Mister President. This bill, recognizes that there are those Senators who believe that this issue of graduate physicians needs additional work. And so instead of just throwing all the work that

we did away, we would like to have a study committee, one member of the Senate, three members of the House, etcetera, you can read it. It's pretty much a standard bill. There is a number of things that were brought up in both the House hearings and the Senate hearings, for things that they would like to see improved from various stakeholders who had input. Understand that due to the exigencies of other things going on there was not a large amount of support at the committee hearing for the bill. But I can say that about many of the bills that we've been hearing today. Right now, I've heard one of the Senators say that the things that this bill would say that we should go study are not the right things to study. Well, I'm surprised at that because those are the things that the people who testified against the bill said need to be resolved. And since I would imagine that the Senate President might pick that one member of this committee and it might fall into my workload that the other Senators wouldn't have to be bothered by the inconvenience of going to these meetings. So with that, I would ask you to support the amendment establishing the study committee. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator Gray. I just was made aware of something, and I think you should know that as everyone's in and out of the room, you barely passed the Committee Amendment because under Senate rules, ten people have to vote in favor of anything. So, it's in the Constitution. So, the reality of going in and out of the room could have been a different vote.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to speak against this amendment. In looking it over, I find it very troublesome in a number of different areas and I would like to applaud the good Senator from District 6 for his attempt. But I think the first problem right away is you're having legislators do this. This needs to be done by the professionals. And again, I draw your attention to the hearing report. Almost every single entity that deals with medicine came in to testify against this bill. So now you're going to have, you have one member of the Senate and three members of the House working on this without having the medical professionals at the table. Yes, they can call on them, you can come in, you can give testimony. But this really needs to be a commission and not a committee.

I would like to bring your attention to line 20 on page 1. They're looking, they're talking about folks that did not complete residency programs, and they're calling the graduate physicians, to work under the supervision as a physician assistant equivalent, or interns. We already have physician's assistants. We already have interns. So this was part of the problem with the bill. This is something that's completely new and it hasn't really been defined here. So what are these folks going to be? In the bill, the original bill, they were referred to as assistant physician's assistants. Well, that's confusing because we already have physician's assistants, we already have qualifications for their education. So how are these folks going to fit in? I'd also like to draw your attention on the second page. It begins on line 1, the similar efforts, the results of similar efforts in the state of Missouri. We already know what those are, because they were testified to during the public hearing. They passed it but no one has taken advantage of it since 2014. The third line, the degree to which services provided by graduate physicians might be eligible for federal reimbursement. We already had testimony that they're not

eligible. So if we get these folks up and running, how are they going to get reimbursed for their services? Well the one that I find really interesting is on line 6. Licensure required for graduate physicians including whether it is reasonable to create a path to licensure as a physician. So the state is now going to be providing a separate license for someone who went through medical school, but for whatever reason never did a residency or internship, and we're going to certify them as physicians? How is that going to work, ladies and gentlemen? And furthermore, what period of time, education, testing, or other requirements as an alternative path to licensure. These are people that are going to be out there treating our citizens. There has to be a degree of safety involved here. This is why I just don't think this is ready for prime time. And the committee believed that it wasn't ready for prime time and when I spoke to the bill's sponsor, I talked to him, and we discussed the fact that this was not ready for prime time.

If you're going to do this, it needs a commission and you need to get everybody to the table, not legislators. We are not physicians, although we do have physicians over in the House, who think this is a great idea. But I just think it's interesting everybody else within their industry thinks it's a terrible idea. I have some difficulty with saying we're going to put these quasi-physicians in our state's rural areas. I, don't the people that live in our rural areas deserve the very best care? I believe they do, and that is one reason why I brought the amendment forward with the workforce commission that's doing all of this work. They are actively working on getting physicians to come to the state of New Hampshire, and we need to continue to do that. But I think this is a step in the wrong direction. I think it's opening us up to a lot of problems. Yes, Missouri did this, but nobody's taken advantage of it. So we need to proceed very carefully. If the Senator from District 6 would like to amend this to make this a big commission, I would support that. Because then you do have the professionals at the table. Having and being a part of the discussion. But as it is right now, I don't believe this accomplishes what the good Senator from District 6 would like to do. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment. You know, you're worried about maybe getting substandard treatment, we don't have any treatment up in the North Country. We're desperate for doctors and nurses, okay? And I don't think that a study impinges any negativity on safety. I think that a committee is perfectly capable of inviting the Board of Licensure who would set the standards for this. This is an exploration, this isn't establishing it, this is exploring it. And we are in such desperate need of doctors in the North Country that while you may enjoy them down in the southern third of the state, the northern two-thirds of New Hampshire needs doctors, and nurses, and physician's assistant's etcetera. So I support this because I think that legislators are capable of framing the questions and of inviting to the table the agencies and the medical societies and so forth who will be involved in shaping whatever might come out of this. And for that reason, Mister President, because of the desperate shortage of physicians in the North Country, I support this bill. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Hennessey for an introduction.)

SENATOR HENNESSEY: Thank you, Mister President. I rise to introduce a remarkable community of citizens from my district who are here visiting today from Woodlands Independent Living Retirement Community, a beautiful, wonderful place to live. Welcome.

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

SENATOR GANNON: Did we not hear, if you can help my recollection, I'm getting old. Did we not hear in testimony from the hospitals up north that there was no desperate need that they were fine at the moment and the desperation was an illusion? Did we not hear that?

SENATOR CARSON: Senator, yes, we did. Thank you very much.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in support of the amendment and for those who have not been here for a long period of time, I can't remember a year, except maybe this year, where we didn't have an initiative to try and bring more medical staff to the North Country. We spent four years talking about the need for dentists, we've spent I think it was \$20 million from the Charitable Pew Foundation about four years ago in an offer to try and set up rural dentists up north. For any of you who have not had that opportunity to drive up north and get in a car accident or a snowmobile accident or get hurt hiking in the woods, I encourage you go do that. And maybe when you're lying in the woods, like a bunch of people are with no medical care, you too might say to yourself, boy it'd be nice to have a doctor within a couple three hours. As I read this, this is a commission, this is a committee, my apologies it's a relative to a commission but it's a committee, to ask the question, to bring way too many Senators and probably not enough House Reps, so we probably need a Floor Amendment Mister President, and move that down to one, because I do not want to serve on it, to ask the question, what's more important, some medical care or no medical care? Today we have volunteer people volunteers, volunteers manning the ambulances and first responders in the North Country with people with an EMT card going out into the woods to haul people off who have had heart attacks and truly traumatic injuries. Isn't some care better than no care? Shouldn't we ask the question? So for all of you who go to the North Country, for those of you who do not go the North Country, but send your constituents up there, I would recommend you might want to support at least asking questions, should there be some care and if so, what do we need for a minimum standard? I think it's a very reasonable question. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I have an answer for you. The answer is, saying it does not make it so. There is not a shortage. I have actually talked to probably twenty, I was so appalled by this, I talked to about twenty different physicians about what they thought about it. I happen to have some people in my family who have been through the educational process to become doctors. People do not match. But I'll tell you almost every medical school in the country finds a way to get them into an internship program somewhere. There's something called scramble, where they, people are, the opportunities around the state, around the country where people did not match the hospitals didn't match, didn't get a student. They open themselves up and you find a place for them. The other answer to the

question, well first of all the answer to the question from my perspective is, if you don't match there's a reason, and there are things to do for a year. Granted it may be the first time these particular people have failed at anything in their lives, but it's not bad for them to do that. They go out, they get a masters in public health, they work in a lab. But here's the other thing, I don't want just anybody as a physician, I mean when you say is just a volunteer better than, or just somebody with no training better than the doctor? No. I mean, no it's not. Thank you, Mister President.

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. I agree with the Senator from District 14. I have worked with medical students, interns, residents and I have to say that most of them have a lot to learn. They have some academic understanding, but that doesn't mean that they can go out and actually practice. And I think what we need to be very concerned about is that, yes, they can do something but are you sure that they're going to do the right thing. I mean the motto is, above all, do no harm. And I think some of them might do more harm so I would think that we should have a group of professionals really looking into this issue, and it's probably not the best thing for legislators. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With all due respect to the hospitals and the physicians, they have a vested interest in the failure of this bill. It's called money. This represents a challenge to the level of services; they don't want to expand or even consider the possibility that maybe there is a better differently. Nurses have gone through this for decades. Registered nurse now LPNs and RNs and RNA all manner of nursing and the doctors have fought like crazy to stop it. But it makes our health care system better, okay? So this bill doesn't put anybody in a clinic, it doesn't put anybody in a hospital, it doesn't establish a practice, it merely says, let's look at it, let's study it. And for this body to say no, we don't want to even study it, I think betrays the interests of the people we serve particularly in rural areas. And I think as well, that I would challenge the assertion of the Hospital Association and the doctors whose vested interests are gored by this bill, potentially. In saying there's not a shortage of doctors in the North Country where I live because there's most definitely is. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. This is certainly sympathetic to medical school graduates who have not yet completed their residency, looking for work and certainly sympathetic to the issues about finding folks perhaps in under-served areas to help deliver health care services. The reality Mister President, is we have a commission. It's the Commission on Primary Workforce Issues. And this commission has looked at these issues among other issues. And certainly you can tee it up, it's a broad based commission, it's not legislator only. So instead of forming as my friend from Bedford always warrants, let's not create too many of these committees and commissions. Let's focus in on the ones that are doing the work. Well, I use that argument here. The one that's doing the work is the Commission on Primary Care Workforce. And let's respect the work they're doing, it's a broad based commission. And certainly anybody in this chamber can tee it up for that commission to start having these conversations. It's a broad based commission with

stakeholders, and people on different points of view on that commission, and certainly that's the avenue to do it rather than creating another committee and this time only with legislators. So I would encourage us to votes this down. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I look at this debate as a good thing, okay? And when I looked at the comments from the good Senator from Senate District 14, I think there was a lot of positive comments also. They would be difficult to answer if I were trying to pass the bill. I don't have all those answers to the things that she asked about. But I do know that we can study this stuff, that those are the things that we need to go look at. I have gotten a call from the Commission on Primary Care saying we're going to start looking at some of these things anyway so help us, okay? Whether this committee gets passed or not, we will try to push this forward because we believe in it. We believe in it. But the prime sponsor of this bill is a medical doctor. And I am sure that we will try to recruit from those House members other physicians who testified both in the committee and on the floor of the House in favor of this, to give us some of that, and to weigh that and talk to the commission I should say on primary care to do that. The only thing I'm missing right now is thirteen yes votes. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd just like to bring to everyone's attention the testimony of a physician who is a retired medical oncologist. He moved to the Dean's office at Dartmouth Medical School in 1985. And what he said I think is something that we really need to consider. Because we're talking about individuals who have graduated from medical school and who perhaps for whatever reason didn't get matched with a residency. And he said, medical school is not so good in training people in primary care, but what they are good at is training for in hospital care. They are also not good at training people to be out in the community and take good care of patients. And I want you to think about that for a second and think about the discussion that we have had on the floor this morning. I would agree with, or this afternoon, my good friend from Senate District 6. I do think that there is some merit, and I do think there might be a path here. But this is very premature. We really need to sit down in a commission with members of the medical field and work through this problem and you might not be able to get there. But I don't believe that a group of five legislators are going to be able to solve this problem. It really needs to be the individuals that are in the medical field. Thank you very much, Mister President.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Gray, French, Sanborn, Daniels, Avard, Cavanaugh.

The following Senators voted No: Bradley, Watters, Hennessey, Ward, Lasky, Carson, Feltes, Reagan, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 8 - Nays: 14. Failed.

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

HB 1623, relative to criteria for debarment of vendors.
Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1623 Ought to Pass. This bill adds additional criteria for debarment of vendors, which includes wage theft, violations of felony level safe workplace practices, and misclassification of employees as grounds for debarment of a vendor on a state contract. If the contractor were found in violation of any of the aforementioned criteria over a two year look back period it would prohibit the state of New Hampshire from acceptance of a bid from that particular contractor. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you very much, Mister President.

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

SENATOR SANBORN: Senator, thank you for taking my question. I'm with you on some of the bad stuff, but I'm struggling with this concept that just because someone has been misclassified, that they should be banned, so if I'm not sure if the language in the legislation means something else or could you enlighten me to what the misclassification leading to disbarment for two years really means?

SENATOR CARSON: Thank you for your question, Senator. We talked about the misclassification of employees. Usually it has to do with subcontractors where instead of having the employees that actually work for them that they're bringing in other people to work as subcontractors and I think you know that there have been instances here in the state of New Hampshire with the state as the employer and putting bids out for RFDs, RIPs or whatever they're called, that they bring in folks that quite frankly should not be working here, that are not citizens I should say. And this would be a reason to disbar them.

SENATOR SANBORN: So you're suggesting that misclassification is specifically about organizations that are hiring workers who are not legally allowed to work here?

SENATOR CARSON: That would be a big part of it, yes.

SENATOR SANBORN: Thank you.

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

HB 1624, relative to state procurement practices and criteria for acceptance of bids.

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

SENATOR GANNON: Thank you, Mister President. I may or may not have a conflict, but I am going to participate as I am a subcontractor in New Hampshire, who bids on New Hampshire jobs. I move House Bill 1624 Inexpedient to Legislate. This bill would require the state to consider the wages and benefits paid by the vendor when evaluation qualified lowest bids from vendors located in New Hampshire. When qualified lowest bids, proposals, or quotations are received at the same price for more than one vendor with a principal place of business in New Hampshire, selection would be made by comparison of employee wages, benefits of the qualified vendors, with preference given to a vendor who pays the higher wages and more benefits. After hearing testimony the

ED&A Committee, members felt the selection process should and is presently much simpler having this requested from a business presenting a bid to the state. We are asking businesses to open up their payroll books and possibly anything else which may not have been required at the time of the bid. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise respectfully in opposition to the committee recommendation. This deals with a fairly limited situation where there's identical qualified low bids and all it does, is what's the tie breaker. Rather than drawing lots, which is the existing law, let's create some preference here in that tie breaker when there's identical low bids for a job. For the tie breaker here in terms of granting a preference is if the vendor has higher wages or benefits. This is state money, it's our contracting, it's the state's money contracting going out to these vendors. If it's the same bid all else being equal, and one vendor pays higher wages or benefits, it makes good sense to grant that as a preference. It makes good sense for the state of New Hampshire especially when both businesses as required by this provision are located in New Hampshire if they're paying higher wages or benefits, those employees are spending more wages in our community. That's state money, more wages in our community, more money in the state kept in the state, state taxpayer dollars. So I'd encourage us to vote down the committee recommendation of ITL. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. In the committee hearing I did support the ITL but I ask you to overturn that. The reason I had questions in the committee, my brother-in-law who is a contractor, we have lively discussions all the time because he's also a Republican, he had questions about it so I supported the ITL. But I went back and I asked him what he thought about it and specifically the wages and benefits and his response to me was I'm proud of what I pay my people and the benefits I offer. So that's the reason I'm asking to overturn the ITL and support this bill. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the ITL. This is a union bill, let's put it right where it is. They negotiate contracts with benefits that private contractors who are startups generally can't afford. Okay? So in the interest of promoting new and upcoming businesses, I think we draw lots and leave it to chance because the product at the end of the day will be less costly perhaps, and will actually foster more competition in the state from private businesses that choose not to be union. Thank you.

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

HB 1684, relative to criminal background checks for emergency medical services license applicants.

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

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1684 Ought to Pass. This legislation modifies the requirement for a criminal history background check for applicants for emergency medi-

cal services, licensure or re-licensure by removing certain procedural requirements and exempting persons employed of law enforcement officers. In 2016 the legislature passed House Bill 1594 instituting federal background checks for EMS providers. This legislation takes out specific language which was initially placed within the bill after working with customers on making the process more efficient, they found specific procedural steps and a lot as cumbersome and inefficient. Therefore they are requesting to remove some very specific steps while maintaining their purpose and goals. The bill additionally exempts certified law enforcement officers of having a duplicate federal background check to be licensed by the Division of Fire Standards and Training and Emergency Medical Services. In creating a naloxone license, certified law enforcement officers were required to undergo a federal background check as a condition of certification and employment. This check was already completed and therefore is redundant. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

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

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

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

Senate Executive Departments and Administration

April 11, 2018

2018-1468s

05/10

Amendment to HB 1738

Amend the bill by replacing section 8 with the following:

8 Transfer of Funding for the Position of Director of Film and Digital Media. Upon transfer of the accounting unit to the department of business and economic affairs, the budget appropriations shall be transferred from class 11 to class 10.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1738 Ought to Pass with Amendment. If we say, "action," this bill is amended to transfer the Division of Film and Digital Media from the Department of Natural and Cultural Resources to the Department of Business and Economic Affairs Division of Travel and Tourism Development. And we will say, "Roll 'Em" to increase tourism and development. I'm on a roll. The Division of Film and Digital Media primary function is an industry liaison promoting the state as a destination. The division would best be aligned as a bureau within the Division of Travel and Tourism Development. Upon examination of best practices across the country, 90 percent of state film offices are now located within the Department of Economic Development or Tourism. The Department of Administrative Services recommended amendment language to assure the smooth transition of transfer of budget appropriations. The ED&A Committee voted Ought to Pass with Amendment and asks you to say, "Roll Em" in your support for their recommendations. 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.

FINANCE

HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units.

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

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1315 Inexpedient to Legislate. This bill sought to protect the University System of New Hampshire from using university funds to discourage an employee from becoming a member of any group or organization which already exists in law. Their expanding to exercise to expand this to their right of association by joining a labor union. As RSA 275:1 of the labor statutes already prohibits the coercion or attempted coercion of any individual not to join or become a member of any labor organization as a condition of securing or continuing employment, the committee deemed this bill unnecessary. The Senate Finance Committee recommends House Bill 1315 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. While I disagree with my Senator from District 2 about the previous bill being a union bill, well this one is, I have to admit that. But the question I ask is that the coercion I do understand is in law, we're just asking the university system, the funds that we send to them not be used that way, and if people choose to join a union do that but don't use the funds we send the university system to anything but help educate the children. Thank you.

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

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

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

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 14 - Nays: 8. Adopted.

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

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

Senate Finance

April 10, 2018

2018-1441s

04/01

Amendment to HB 1354

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

AN ACT relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.

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

2018-1441s

AMENDED ANALYSIS

This bill makes the speaker of the house of representatives and senate president permanent members of the university system board of trustees.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 1354 Ought to Pass with Amendment. This bill would make the Speaker of the House of Representatives and the Senate President permanent, this is wrong, permanent non-voting members of the University System Board of Trustees. Committee members felt that giving these two members, I think the amendment changed that. I felt that giving these two members responsibilities would give rise to an inherent conflict of interest between the role of an elected public official and member of the board of trustees. The committee amended the bill, excuse me, the committee amended the bill to keep these two members as non-voting members and to continue their positions on the board of trustees which has assisted in establishing a solid relationship between the university and the legislature. The Senate Finance Committee recommends passage of HB 1354 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.

HB 1401, relative to the New Hampshire accountancy act.

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

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1401 Ought to Pass. The bill makes various changes to the regulation of accountants by the Board of Accountancy related to the update of the Uniform Accountancy Act. The Senate Finance Committee recommends passage of HB 1401, and asks for your support. Thank you, Mister President.

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

HEALTH AND HUMAN SERVICES

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Fuller Clark for an introduction.)

SENATOR FULLER CLARK: Yes, thank you very much, Mister President. I'd like to welcome this afternoon, the UNH Business and Economics students. We're delighted to have you here and glad to have you observing the Senate. Welcome.

JUDICIARY

HB 134-FN, relative to causes for divorce.

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

Senator Bradley moved to Lay on the Table HB 134-FN. Adopted.

HB 1283, prohibiting sobriety checkpoints.

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

SENATOR GANNON: Thank you, Mister President. I move House Bill 1283 Inexpedient to Legislate. This bill would prohibit law enforcement agencies from conducting sobriety checkpoints in New Hampshire. Over the past nine years, there have been 399 deaths in New Hampshire alone, 399 that are the result of an impaired driving accident. Many of these deaths are not just the result of alcohol induced impairment, but drug induced impairment as well. Sobriety checkpoints are an important tool in the bag for law enforcement to not only catch drunk drivers or impaired drivers, but more importantly, and this is the main thing, Sir, it is used as a deterrent. Sobriety checkpoints involve significant media messaging throughout the community, which highlight the importance of safe driving and lets the public know that law enforcement is out tonight and they are actively seeking impaired drivers. Most importantly these checkpoints, they only take thirty seconds on average in New Hampshire, after the law enforcement receives, first they receive approval from a judge, prior to receiving approval, the agency must provide the judge with the location, the date and time of the checkpoint. The pattern of cars they'll stop and an operations plan. These are great safeguards. They ensure the constitutional rights of all are protected and that profiling does not take place at these checkpoints. As New Hampshire continues to struggle with the opioid crisis, and impaired driving remains a concern it is important to not only focus on the number of arrests that take place at these checkpoints, but to recognize their true intent again deterrents, deterrents, deterrents. Therefore the majority of Judiciary asks for your support in the motion of Inexpedient to Legislate on 1283. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I'm asking this body to overturn that recommendation of ITL so I can bring forward a motion of Ought to Pass. This is a very simple bill. Either you believe needing probable cause is a good protection for the citizens of the state, or you don't. Thank you, Mister President.

PRESIDENT MORSE: That was short.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I won't be quite as short. Thank you, Mister President. I met Pauline and Bill Church about three or four weeks ago. Miss Church is the head of Mothers Against Drunk Driving. She has met hundreds and hundreds of other mothers who've been through this horrible ordeal of losing a child and it's all for a thirty second checkpoint. I don't mind giving thirty seconds. I've been probably in two checkpoints I think in my life. I don't mind the thirty seconds if it saves one life. And you don't know, that's the problem with this. Mister French is going to come, Senator French, will come forward and say, that it's only stopped 1 percent of the drivers are drunk, but it's a deterrent, it's the good Senator from District I believe he's 9, he runs a business, we talked yesterday he said the days that they do these road blocks, my business dies. He runs a bar establishment, so people are not driving out on the road. The cost will be brought up; there is no cost, there were six roadblocks in New Hampshire run by the state police last year. No local money, no state money was spent. It's federal money, so it costs nothing to you.

Again, I met that Mrs. Church and she said, Senator Gannon if only a roadblock had been out that night, I could have my son back, possibly. Or another son and maybe it was my son that would have died if there wasn't a roadblock at another night or someone else's family member. It's a very small, small thirty seconds of your life. And the police are not looking to get you, the police are looking to help us. Let's help the police. They all came in, the state police, they said this is one tool we use. There are other ways, there are other things to do but this is a tool they feel it works for them, let's not deprive our good officers from what they say helps them. Thank you very much.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd just like to echo the words of my colleague from Senate District 23. These sobriety checkpoints do, do a good job. It might inconvenience you for a few moments, but is that better than a random stop? The sobriety checkpoints are made by law have to be noticed. You have to tell people that there's going to be a sobriety checkpoint at point, you know, at this particular location. So if you don't want to be stopped, guess what, don't go through that area. The other thing too to remember is, it is a tool and the other tool that they have is something that's called saturation, where the police will saturate one particular area. That is extremely expensive to do. So who here wants to pay for more police officers and more police cars in order for that to happen? I know I don't. So please join with me and join with the committee in voting Inexpedient to Legislate on House Bill 1283. Thank you very much, Mister President.

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

SENATOR GIUDA: Six roadblocks, how many DUIs were caught from those, do you know?

SENATOR GANNON: It may be twenty but again the main use of this is deterrence, and so my son knows when I tell him there's roadblocks out tonight, when the people at Hampton know there's roadblocks, they're much less apt to drive impaired.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise against the motion of ITL and ask this body how many of you read the Seacoast Online this morning? Show of hands? One, maybe two, maybe three. So there's a roadblock in Portsmouth, and they post it on Seacoast Online, but three out of twenty-four read it, and we are supposed to be the informed part of the state. We're supposed to read all the newspapers every day so we know what's going on. Just because it shows up in a newspaper does not mean that the community knows about it. And quite frankly, just because they have to report it to the newspaper should tell us something. I mean at this point less than 1 percent, to answer your question Senator Giuda, less than 1 percent of the traffic stops result in anything. Less than 1 percent. We know in testimony, we know in statements, we know in articles all across the land, and I apologize because I built a nice little folder which I forgot to bring, with statements from state police, saying it would be so much better for us to take this money and use it to do actual patrols, and get out and do what we're supposed to do. As opposed to putting an ad in the paper, setting up a bunch of people, blocking off one road. My good friend from District number 23, when

he tells his kids, I know you're out there drinking and driving, which he just said but be careful, there's a roadblock tonight. When you're out drinking and driving young man, or young woman, there will be a roadblock tonight but don't drive on that road, that road. Well how about all the other roads? How about all the circumvential roads that go in every single community because we are no longer a horse and buggy town, that these roads, lots of roads in every single town. And for someone to sit there and suggest this is a deterrent, that we're going to close down one road in a community, one of 237 or 38 whatever the number is, and that all by itself is going to dissuade people from drinking and driving. Look, we have a lot of programs in this state, Mister President that you hear me say on a regular basis, seem to spend a lot of money and don't produce a lot of results, but today seems to be one of them. So we have an opportunity here to actually join our friends on the other side of the wall, maybe get a little bit of good will since we're killing everything else we've done all year, and come to this conclusion that this is not money that's well spent. And if we're hearing specifically from men and women in blue, green, and gray that they could better utilize the money in other programs, we should probably support that. So I ask people to overturn the ITL and let America be free. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I just would like to reiterate, the testimony that we have from the men and women in blue, they did not support prohibiting checkpoints. So I want to make that very clear that the folks that came in and spoke with us. We also heard about less than 1 percent of people get caught. But how many lives were saved within that less than 1 percent? And I think that's what we need to think about. There has been an ongoing campaign for many years by the Mothers Against Drunk Driving to bring awareness to this issue. I remember when I was a child, seeing adults driving with an open container. And it was fine, nobody said anything about it, it was pretty common. People would go driving down the road with a beer in their hand. But we've realized over time that that was inappropriate and people should not be driving impaired. So again, people, we've heard testimony that we can spend the money a better way. Well what better way? And I've already brought up the other tool that's used by police; saturation patrols. Where you concentrate them all in one area. But that is expensive. If we get rid of sobriety checkpoints, we're going to lose federal money. So let me ask you, who's going to pay for this? Who's going to pay for it? I don't see anybody in this room volunteering. So Mister President, thank you very much. I will just ask the body to please vote with the committee and Inexpedient to Legislate. Thank you very much.

Senator Bradley presiding.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, I'll be brief as I've already spoken. The good Senator from 14 did bring out again, the Senator from 10 did not realize again, the Office of Highway Safety is paying for this. We don't take that money for roadblocks, we don't get the money, so it's not like you it's having state money to go to somewhere else. That money will not come to the state of New Hampshire. Three other points; the Center for Disease Control reviewed eleven studies and they found checkpoints reduce the alcohol related fatalities, injuries and property damage by 20 percent with the use of roadblocks. Each year one million people are

arrested for drunk driving. This costs the country \$132 billion. Each crash and arrest costs approximately \$132,000 taking into account law enforcement, fire department, ambulances, investigations, prosecutions, courts, incarcerations, damages, hospitals, and funerals, and again it's a thirty second inconvenience that could save someone's life. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Speak for a second time, just for the record, Mister President. If it wasn't brought up before, if I missed the conversations from my good friend from District 1 or 2 or others. We know that fourteen states in America don't require this. It's not like we're going to be the only ones. Fourteen other states in America do not use DWI stops. And although I do not support it, I must say for the record that having an open container doesn't make you impaired. Being impaired is being impaired, because we know that the state that my good friend from District number 19 drives through on a regular basis, Virginia, I think has an open container law that allows it and I think Texas does as well, not suggesting she's actually driving through Virginia with an open container. I'd never make that suggestion. But at the end of the day, look, this a program which in full disclosure, I guess, I must have to say at this point Mister President, that I am a licensee so I think I probably have a little more experience than frankly everyone in the room combined when it comes to staying up late and watching people drive. And I have personally had direct conversations with men and women in blue that, fact I can't remember a single one of them actually ever saying it was a good use of their time, that they could be doing many other things. But look ladies and gentlemen, at the end of the day, spending money to close off one road, to funnel everyone in that can take a half hour, forty minutes doesn't solve our problem. It may have been a great attempt, just like Nancy Reagan's Just Say No campaign, and I hope to God that it worked, but the proof's not in the pudding in this case. Less than 1 percent. Less than 1 percent. That should tell us something. Thank you, Mister President.

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

SENATOR WOODBURN: Thank you Senator, for taking the question. Do these checkpoints do you believe create a situation where our most vulnerable, particularly, I don't know immigrants, people that may not look like all of us, may not have the skills, the resources, the language, would they be more susceptible to these kinds of attacks with their other activities, whether it be you know immigration papers, you know minor possession of marijuana, other types of you know car inspections, things like that? Would this open that up to more scrutiny in our society?

SENATOR SANBORN: Senator, thank you so much for the question. Well at the top line level I would personally say that I do not believe that any of our men and women in our state do any profiling whatsoever. So I would not believe that it would disadvantage those who might not have significant means or different types of background, so respectfully I would reject that premise. And number two, it is my understanding in the research that I have done, that in many states, there is a specific prohibition of what some would suggest to be fishing for other potential violations to give out. Now that's not to say that it happens or it doesn't happen, but in general I think these traffic stops are not there to catch people without registrations, they're not there to catch people with bald

tires, they're not there to catch people who may have a visa or not have a visa. It is supposed to be solely and specifically for driving impaired. Now whether or not that happens or not, we can all guess on that, few of us having been through one. Which is why I feel again so strongly that if this is solely happening for, you know, try to dissuade people to drink and drive, that unless we put a roadblock on every single road in every single community, every single night it's not going, as I say, the juice is not worth the squeeze.

SENATOR WOODBURN: Thank you.

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

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

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

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

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 15 - Nays: 7. Adopted.

President Morse presiding.

HB 1316-FN, relative to revenue collected from concealed carry licenses. Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1316-FN Ought to Pass. This bill requires a portion of revenues collected from concealed carry permits to be credited to the Permits and Licensing Unit. Presently, the Permits and Licensing Unit and the Criminal Record Units are both funded from fees collected from criminal records requests. As the demands for these checks have increased, the current funding scheme has become insufficient. Therefore, this bill addresses that issue by requesting 400,000 from the fees collected from concealed carry permits for out-of-state individuals to be reallocated to Permits and Licensing, allowing Criminal Records to fund Criminal Records and Permits and Licensing to fund Permits and Licensing. These funds collected for those permits generally total over \$1 million annually and are placed in the General Revenue. Allocating these funds will not only assist in diminishing the amount of time it takes to get a background check, but it will also allow the Criminal Records Unit to maintain their software and equipment at levels necessary for solvency in the terms of technology and security. For these reasons, please join the majority of the Judiciary Committee in support of the motion of Ought to Pass on House Bill 1316-FN. Thank you.

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

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.

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

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1357 Ought to Pass. This bill permits the Commissioner of the Department of Corrections and the superintendent of a county correctional facility to appoint a designee to manage issues relating to the delivery of prohibited articles to prisoners. By providing for the opportunity for a designee to appear on behalf of the commissioner or a superintendent

in court and state that something is contraband, it frees up the commissioner and superintendents to attend to more critical duties. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1357. Thank you, Mister President.

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

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

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

Senator Bradley moved to Lay on the Table HB 1477-FN. Adopted.

HB 1661, relative to a marriage petition by a party under age.

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

Senate Judiciary

April 9, 2018

2018-1403s

05/06

Amendment to HB 1661

Amend RSA 457:6, III as inserted by section 1 of the bill by replacing it with the following:

III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1661 Ought to Pass with Amendment. This bill provides that the court shall not grant permission for a person under the age of consent to marry unless the court finds by clear and convincing evidence that the marriage is in his or her best interest and enshrines criteria by which to make that determination. The criteria provided to judges within this bill include, ensuring the marriage is not going to be used as an escape from the troubled family, allowing judges the discretion to have each person seeking to be married to sit alone with the judge for an interview to ensure that coercive action is not being used, and requires that the marriage be in the minor's best interest. In the instances of these marriages it is necessary to take extra precautions to ensure that coercion is not taking place and that the marriage will truly be in the best interest of the minor due to the young and impressionable ages of those involved. Therefore, the Judiciary Committee asks you to support the motion of Ought to Pass with Amendment of this bill. Thank you, Mister President.

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

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

HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.

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

Senator Bradley moved to Lay on the Table HB 1672-FN. Adopted.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

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

Senate Judiciary
April 10, 2018
2018-1426s
08/03

Amendment to HB 1753-FN

Amend RSA 265-A:45, I-II as inserted by section 1 of the bill by replacing them with the following:

I. Notwithstanding RSA 265-A:44, II, no driver under the age of 21 shall, except when accompanied by a parent, ***stepparent***, legal guardian, ***grandparent***, or legal age spouse, ***domestic partner, or sibling***, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, ***stepparent***, legal guardian, ***grandparent***, or legal age spouse, ***domestic partner, or sibling***, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1753-FN Ought to Pass with Amendment. This bill allows minors to transport alcoholic beverages in a vehicle or boat when accompanied by certain family members. Currently, minors are able to transport alcohol if their parent, legal guardian, or legal age spouse is also in the vehicle. This bill will also add stepparents, grandparents, legal age domestic partners, and siblings of a legal age to the acceptable and legal chaperones to a person under 21 years of age who is transporting alcoholic beverages by car or boat. This is a simple and common sense bill that retains protections from abuse while appropriately expanding the reasonable exemption for family members. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1753-FN. Thank you very much, Mister President.

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

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

HB 1788-FN-L, relative to costs charged under the right-to-know law. Ought to Pass with Amendment, Vote 3-2. Senator French for the committee.

Senate Judiciary
April 9, 2018
2018-1406s
01/04

Amendment to HB 1788-FN-LOCAL

Amend RSA 91-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection

tion and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy **of a standard page, not to exceed 10 cents per page**, which cost may be collected by the public body or agency. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

Senator Bradley moved to Lay on the Table HB 1788-FN-L. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1247, relative to administering oaths to certain state officers. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 1247 Ought to Pass. This bill adds two notary publics to the list of individuals authorized to administer oaths to certain state officers in RSA 92:5. Currently one notary may administer an oath with a justice of the peace. Passage of the bill will allow 2 notaries to administer the oath independent of another official. This change will provide expediency when needed in the administration of an oath. I ask that you please support the committee recommendation of Ought to Pass. Thank you, Mister President.

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

HB 1473-FN, relative to the timber yield tax.

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

Public and Municipal Affairs

April 11, 2018

2018-1462s

05/10

Amendment to HB 1473-FN

Amend RSA 79:10, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. ***Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II, a supplemental notice of intent shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice*** shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

2018-1462s

AMENDED ANALYSIS

This bill:

I. Permits a municipality to waive the yield tax on land owned by the municipality.

II. Provides that, unless a bond has been required, a supplemental notice to cut shall not be required when the total volume of the cut is not more than 25 percent of the volume reported in the notice of intent to cut.

III. Requires the municipality to provide public notice of an intent to cut before it is signed by assessing officials.

SENATOR GRAY: Thank you very much, Mister President. I move House Bill 1473-FN Ought to Pass with Amendment. This bill as amended allows municipalities to waive the Timber Yield Tax on land owned by the municipalities. Currently, loggers must submit a supplemental notice when the volume reported in the notice of intent to cut is exceeded. This legislation provides that a notice shall not be required if the cut does not exceed 25 percent of the predetermined volume. Additionally, this bill will require municipalities to provide public notice of intent to cut without having to wait for an assessing official to sign the notice. The committee felt that these adjustments provided a smoother process between the municipalities and the logging industry, as well as greater transparency to the public. I ask you to accept the committee recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

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

HB 1484, relative to late fees in manufactured housing parks.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move House Bill 1484 Ought to Pass. This bill prohibits manufactured housing parks from charging a late fee for payments made within seven days of the due date. Many homeowners in these parks are seniors living on a fixed social security income which means a \$25 late fee can have a huge impact. This grace period would allow the flexibility needed for recipients of that income which for many does not arrive until after the 3rd of the month. The homeowners in these parks are renting the land where their homes are located. Many of these homes have attached garages and porches, making it difficult for them to move their homes if expenses become too restrictive. The committee found that this bill is an added protection for seniors and low income residents in New Hampshire. I ask that you please support the committee recommendation of Ought to Pass. Thank you, Mister President.

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

SENATOR FRENCH: Thank you, Mister President. Thank you for taking my question. I always say either everyone's on the bus, or no one's on the bus. So I ask you why isn't this extended to all apartments throughout the state and not just mobile homes?

SENATOR GRAY: Thank you for the question. The committee had testimony that in these situations in the mobile home parks, many of these individuals actually own the home that they're living in and have made improvements to that property and therefore it's different than just renting an apartment which the landlord owns.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise based on our current ethics laws, have interests in mobile home parks, but I'm clearly still participating and I second what my friend from Laconia asked, this doesn't have anything to do with whether or not you rent a mobile home on owned land or on your own land. What happens if you have a mortgage on your property? We're not sitting here trying to pass a law that says if you have a mortgage on your home property that we're going to prohibit the bank from charging you a late fee. We're not sitting here talking about car loans, we're not sitting talking about student loans, we're not talking about anything except this one universe.

Why can't we let the business community be the business community ladies and gentlemen? Why is it every single week, every single week, we're in here trying to tell the business community that they're failures, we just try to tell them how to live their lives, we've got to tell them how to run their companies. There's this little thing called you know, contracting. Last time I checked there were even attorneys in the room. That you're two willing people who enter into a contract. They enter into a contract that says you will perform and if you don't there will be penalties. And yet we think you want to stand here today and change that deal, that we want to circumvent every contract we have out there, that the two people that entered into this agreement to pay on time, that the state legislature wants to come in and say, we're not going to respect the opinion, we're not going to respect the arrangement, we're not going to respect the contract, we're not going to respect landlords and property owners, but we'll respect the banks, we'll respect installment loan companies. Several of us say, Mister President, seems like every single week that we're in here asking why are we, why is this body telling the business community how to run? What do you think the business community's saying about us? I would implore this body to start really thinking about how far we want to be wedging into telling people how to live their life every day. This isn't freedom, this isn't the right for two people with contract. This is ridiculous. I hope you vote against it. Thank you, Mister President.

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

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

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

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

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 16 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.

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

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 1579-FN Inexpedient to Legislate. This bill would require municipalities to keep records for certain exempt non-meetings under the right-to-know law. These meetings would include collective bargaining negotiations, consulta-

tions with legal counsel, or political party caucuses. The original purpose of exempting these non-meetings from right-to-know is the confidential nature of the discussions. Allowing the public to know certain details of these discussions may have unintended consequences. For instance, the municipality's strategy on collective bargaining would be eligible to the right-to-know and the other parties' strategies would not. Therefore, giving the municipality a disadvantage in negotiations. The committee also found that the additional administrative costs for the municipalities would create an unfunded mandate should this bill pass. I ask that you please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 1761

Senator Cavanaugh: HB 1761

Senator Gannon: HB 1624

Senator Sanborn: HB 134-FN, HB 298, HB 523, HB 587-FN, HB 1102-FN, HB 1104-FN, HB 1247, HB 1265, HB 1283, HB 1285, HB 1289, HB 1315, HB 1316-FN, HB 1322, HB 1354, HB 1356, HB 1357, HB 1401, HB 1402, HB 1407, HB 1427-FN, HB 1473-FN, HB 1477-FN, HB 14884, HB 1495, HB 1496, HB 1497, HB 1498, HB 1499, HB 1506-FN, HB 1577, HB 1579-FN, HB 1592-FN, HB 1612, HB 1623, HB 1624, HB 1627, HB 1636, HB 1637, HB 1660, HB 1661, HB 1672-FN, HB 1684, HB 1689-FN, HB 1690-FN, HB 1692-FN, HB 1698-FN-L, HB 1719-FN, HB 1720-FN, HB 1725-FN, HB 1738, HB 1744, HB 1746-FN, HB 1753-FN, HB 1761, HB 1769-FN, HB 1777-FN, HB 1782-FN, HB 1788-FN-L, HB 1807-FN, HB 1810, HB 1822-FN

ANNOUNCEMENTS

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I ask for unanimous consent, and I just wanted to rise to say to my colleagues that it's great to be back, I think, and I just want to thank you all for your good wishes, your cards, the beautiful flowers from Senate Transportation, and particularly for your prayers. So, thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to honor a distinguished statesman in our state who passed recently, and was a constituent of mine. I did not know him, but I would ask the President's indulgence in allowing the Dean of the Senate, who did know and worked with him, to honor him with his remarks.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. The President and I attended Stewart Lamprey's services that were held in Meredith. And, out of courtesy of the Senate President, also sent flowers on behalf of the Senate, and very graciously appeared, and I thank him for that. You've all heard me talk about Stewart, but let me just say one thing: if in your lifetime it can be said of you that you were a good person, then you've achieved a tremendous goal. Stewart Lamprey was a good person. He was a good human being. We've had some giants work in this building, Walter Peterson was one, Stewart Lamprey was another. I have had the opportunity to work with both. They were great men. They left an impact on our state and, really, on those who worked with them. So, thank you, Mister President. Thank you, Senator. And his family, I think, was very appreciative of the fact that you were there. Thank you. (The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise for unanimous consent to acknowledge the great work of the many town employees that got through town meeting. And in one particular town I visited it read in their annual report, and you all may remember in Lisbon the night before town meeting all the Board of Selectmen quit and left the town clerk, tax collector, Jennifer Trelfa, with really the only person to put it all together, and they dedicated their report to her. And I think it's good to recognize people who stand up and fill in the holes when they're needed, and I just want to read a few lines from this dedication of the Lisbon Annual Town Report: "During the past year, with a new select board, Jenny was the 'go to person.' Her first commitment was always working for the good of the town and its taxpayers. Jenny stepped in during a difficult task of bridging the administrative void that occurred during town meeting. She spearheaded the legal and practical arrangements needed to have the annual meeting proceed, along with the gracious help of the Lisbon citizens, and made the meeting a reality and insured the continuation of town government." So, thank you, Mister President.

PRESIDENT MORSE: Barbara Bush, a good person, Senator. I met her several times. She is all of the powerful and positive things people have said about her. And she was a woman of integrity and spirit. I will never forget her incredible energy, her compassion for people and her unending devotion to her family and our country. She was not only the matriarch of the Bush family, but a strong, compassionate leader in her own rite. She will surely be missed for all of the contributions she has made throughout her lifetime, but especially for her work improving the literacy for our nation's children.

In the past two days we've seen individuals with differing beliefs recognize the contributions First Lady Barbara Bush brought to this country. The statements made from all political spectrums are a testament to the great woman's legacy. In particular, her son's statements give us a glimpse into the lives of this family and how Mrs. Bush inspired them. Governor Jeb Bush said, "I am exceptionally privileged to be the son of George Bush and the exceptionally gracious, gregarious, fun, funny, loving, tough, smart, graceful woman who was the force of nature known as Barbara Bush." And President George W. Bush recalled his mother, saying, "Barbara Bush was a fabulous First Lady and a woman unlike any other who brought levity, love, and literacy to millions. To us she was much more. Mom kept us on our toes and kept us laughing until the end. I'm a lucky man that Barbara Bush was my mother."

I hope that recognizing this loss for our country, and reflecting on all the things she gave will help inspire us to recommit ourselves to the work that we have been asked to do in this chamber. And to help us embody all of the positive qualities that a leader of her magnitude has shown. We will surely miss First Lady Barbara Bush, and I want you to all know that Susan and I share our thoughts and prayers with the entire Bush family during this difficult time.

Now, for some happier news: on behalf of the Senate I want to extend big congratulations to Patrick Murphy and his wife Liz on their newest addition—a baby girl, Isabelle Rose Murphy, who was born on April 4th. All of us who have been fortunate to raise children know how exciting this time is in your life. I just want to congratulate them.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 298, relative to the mechanical licensing board.

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

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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

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

HB 1289, relative to trespassing domestic fowl.

HB 1322, relative to risk-based capital for health maintenance organizations.

HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.

HB 1401, relative to the New Hampshire accountancy act.

HB 1407, repealing the prohibition on the use of milk containers.

HB 1473-FN, relative to the timber yield tax.

HB 1484, relative to late fees in manufactured housing parks.

HB 1495, relative to standards for determining an adequate education.

HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.

HB 1497, relative to accountability for school performance.

HB 1499, relative to the focus and components of New Hampshire kindergartens.

HB 1506-FN, relative to the commission on primary care workforce issues.

HB 1577, relative to the administration of anesthesia by dentists.

HB 1612, relative to data security in schools.

HB 1623, relative to criteria for debarment of vendors.

HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.

HB 1660, relative to delinquent accounts of liquor licensees.

HB 1661, relative to a marriage petition by a party under age.

HB 1684, relative to criminal background checks for emergency medical services license applicants.

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.

HB 1698-FN-LOCAL, relative to the cost of special education services for foster children.

HB 1719-FN, relative to donations of liquor to nonprofits.

HB 1720-FN, relative to the storage of beverages produced by contract brewers.

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.

HB 1746-FN, relative to the practices of pharmacy benefit managers.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

HB 1761, relative to the math learning communities program in secondary schools.

HB 1777-FN, relative to energy infrastructure corridor revenue.

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.

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 accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 119, relative to the length of docks on a water body and boat slips and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Christensen, Renzullo, Gould and Grassie

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.

SB 316, relative to the regulation of online auctions.

SB 319, relative to exempt securities.

SB 320, relative to checklists used at elections.

SB 321, relative to group host net energy metering.

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

SB 332, relative to medication synchronization.

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

SB 348, relative to senior-specific certifications or designations for securities broker-dealers.

SB 356, adding a representative from the community college system to the apprenticeship advisory council.

SB 363, prohibiting political expenditures by foreign nationals.

SB 367, relative to public utilities commission review of group host agreements.

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.

SB 389, relative to administrative fees on restitution.

SB 396-FN, relative to gold star number plates.

SB 412, relative to agritourism.

SB 417, relative to days of rest for employees of recreation camps and youth skill camps.

SB 428, relative to the payment of weekly and biweekly wages.

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

SB 455, relative to state employees injured in the line of duty.

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.

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

SB 482-FN, relative to confidential emergency medical and trauma services data.

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

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

SB 505, requiring abutter notice of the construction of a crematory.

SB 511, establishing an optional tax credit for combat service.

SB 515, relative to commemorative license plates.

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

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

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 326, relative to the functions of the division of historical resources.

SB 395, relative to access to records under the right-to-know law.

SB 400, relative to traveler information signs on highways.

SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation.

SB 448, establishing a commission to study the establishment of a state department of energy.

SB 499, relative to the applicability of certain DWI prohibitions.

SB 576-FN, relative to home health services rate setting.

SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 378-FN, relative to an exemption from the board of registration of medical technicians.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 464, relative to the procedure for driveway permits.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

HB 1331, relative to incidental uses for agricultural plates.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.

HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim.

HB 1638, declaring April 28, 2018 as tabletop gaming day in New Hampshire.

HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.

HB 1739-FN, prohibiting female genital mutilation.

April 18, 2018

2018-1655-EBA

06/10

Enrolled Bill Amendment to HB 1335

The Committee on Enrolled Bills to which was referred HB 1335

AN ACT relative to the cybersecurity software used by the state of New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1335

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1335

Amend section 1 of the bill by replacing line 1 with the following:

1 New Subdivision; Cybersecurity Software. Amend RSA 21-R by inserting after section 14 the

Amend section 1 of the bill by replacing line 3 with the following:

Cybersecurity Software

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 18, 2018
2018-1641-EBA
03/01

Enrolled Bill Amendment to HB 1606

The Committee on Enrolled Bills to which was referred HB 1606

AN ACT relative to naturopathic health care practice.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1606

This enrolled bill amendment corrects a reference in the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 1606

Amend RSA 328-E:14-a, II(a) as inserted by section 9 of the bill by replacing line 2 with the following:

testimony, subpoena witnesses, and compel, by subpoena duces tecum, the production of all

Amend RSA 318-B:38, I(n) as inserted by section 12 of the bill by replacing line 1 with the following:

(n) A representative of the New Hampshire naturopathic board of examiners, appointed

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2018
2018-1660-EBA
04/05

Enrolled Bill Amendment to HB 1665

The Committee on Enrolled Bills to which was referred HB 1665

AN ACT relative to the authority of the governing boards of allied health professionals.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1665

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1665

Amend RSA 328-F:11, I as inserted by section 4 of the bill by replacing lines 24-26 with the following:

~~[(g)]~~ **(h)** Application procedures.

~~[(h)]~~ **(i)** The allocation of disciplinary sanctions in cases of misconduct by licensees ***and by certified individuals.***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

Out of Recess. Call the Senate to Order.