

MOTION TO ADJOURN FROM LATE SESSION

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

May 3, 2018

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

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

Let us pray.

Dear God, we give you thanks for hard work. We give thanks to all those citizens of New Hampshire who are working today. We give thanks for people that grow our food, that sell us seeded goods, that make houses, that sit at a desk, that cure our diseases, that innovate and create. We give thanks for entrepreneurs that create businesses that others can work at. It is through our hard work that we not only provide for our family, but that we serve our neighbors; and it's who through hard work that we give ourselves to the greater good. Help us today to do the hard work that we have been called to do. Help us pass laws that make life fair and good for all its citizens. Help us be good stewards of the tax money that hard-working people have paid. Help us be just, fair and wise in this work that we have been called to do and let us never tire of doing our best for those hard-working citizens who are counting on us. Amen.

SENATOR REAGAN: Thank you, Mister President, and I invite the children from the fourth grade from Epsom Central School to join us in the pledge.

Senator Reagan led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes for an introduction.)

SENATOR FELTES: Thank you very much, Mister President. It's my honor to welcome in the gallery, Second Start Adult Education Center here in Concord. They do wonderful work. Please raise your hand where you're at. There you are. Thank you very much for being here. Let's give them a round of applause.

INTRODUCTION OF PAGES

(The Chair recognized Senator Giuda for an introduction.)

SENATOR GIUDA: Thank you, Mister President. It's my great pleasure to introduce our two pages for the day. They're both from Woodsville High School. One lives in the community of Mountain Lakes. The other lives in Pike, both subsets of the town of Haverhill. We'll talk about that later.

We have Kaycee Reagan who is age fourteen in the ninth grade and her favorite subject is English. She is the 2019 President of the school's Youth and Government Club. She's part of the school's Student and Executive Councils, chorus, and the manager of the track team. She wants to go to Dartmouth College and she wants to take courses in sexuality and gender. So, would you please welcome Kaycee Reagan.

And our other page today is Roderick Emley. He's been here before. He's seventeen; in the twelfth grade. His favorite subject is French. He is the

President of the Student Council, and the treasurer of the French Club. He is involved in Future Business leaders of America. Plays the trumpet in the band. His junior year of high school he studied abroad in Leer, Germany. He lived with a German host family and went to a local German high school. In the future, before attending college, he wants to take a year off and go live in France as an au pair with a family. In college, he wants to study political science or international affairs and eventually attend law school. Please welcome Roderick.

SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the day. Adopted.

ENERGY AND NATURAL RESOURCES

HB 114, relative to minimum electric renewable portfolio standards.

REGULAR CALENDAR

ENERGY AND NATURAL RESOURCES

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

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

Energy and Natural Resources

April 17, 2018

2018-1594s

06/10

Amendment to HB 317

Amend RSA 374-F:3, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. ***Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the full implementation of Order No. 25,932 issued by the commission, dated August 2, 2016.***

2018-1594s

AMENDED ANALYSIS

This bill requires legislative approval for increases in the system benefits charge.

SENATOR BRADLEY: Thank you very much, Mister President, and good morning again. Senate Bill 317 would require legislative approval of changes to the systems benefits charge, but we made it and we wrote it in such a way that it does not include the recent order from the Public

Utilities Commission regarding the Energy Efficiency Resource Standard, so it would be a future change to the systems benefits charge. And I ask for support for the Committee Amendment.

(The Chair recognized Senator Feltes for a question of Senator Bradley)

SENATOR FELTES: Thank you, Mister President. Thank you, Senator, for taking my question. Just a brief clarification. This would allow for the full implementation of the EERS order, including subsequent orders implementing it, correct?

SENATOR BRADLEY: Didn't I say that? The answer is yes.

SENATOR FELTES. Alright, thank you. 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 1233, preempting local regulation of seeds and fertilizer.

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

SENATOR BRADLEY: Thank you again, Mister President. I move Ought to Pass on House Bill 1233. The Energy and Natural Resources Committee heard a long public hearing on this with a lot of testimony and came down on a 3-2 vote that the state should set any seed policy as opposed to municipalities. The reason for that is farmers can have multiple fields that they have in multiple jurisdictions. And to say that one town would have a seed policy that is in conflict with another town, could be a neighboring town, having different policy would be a burden on agricultural interests in New Hampshire. There was some question about fertilizer. Fertilizer is already pre-empted by state regulations from municipal regulations. The amendment would clarify the use of the fertilizer, but in an agreement with the Municipal Association that the House reached; erosion control, ordinances and things like that would still apply. It's really only about the use of the fertilizer. So, I ask a vote of the body of Ought to Pass on House Bill 1233. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support as well of this bill and the work of the committee. Agriculture's a very hard difficult business these days, or in any time, but particularly trying to deal with the ordinances and local, local zoning issues, which can be sometimes too restrictive in my view. But I wish the bill was more focused on local, small-time owner operating farms than the larger ones, which should be our agricultural policy focus on that, but I think overall this is a good bill and I appreciate, I think we should support it. Thank you.

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

SENATOR FULLER CLARK: Thank you very much for taking my question. It's my understanding and I wanted some clarification that as the bill came over to us that the word "use" had been eliminated, so that local communities are still in charge of how fertilizer is used, but they cannot regulate what kind of fertilizer. So, if you could just clarify that it would be helpful.

SENATOR BRADLEY: Yes, and again, the intent of the bill is to not dictate what fertilizer a farmer could use. But measures like erosion control, proximity to water bodies, things like that, that could still be governed by municipal regulations, but not which kind of fertilizer.

SENATOR FULLER CLARK: Thank you very much.

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

SENATOR FELTES: Thank you very much for taking my question. Nothing in House Bill 1233 prohibits municipalities from enacting their own regulations with respect to lands that they own or lease, correct?

SENATOR BRADLEY: I don't think that that question ever came up in the discussion about this, but town owned land is town owned land. Obviously as it relates to seed policy, the town can't, under this, adopt a seed ordinance for that particular town. What they do on their own private land is, they're free like any other farmer to use the seeds that they feel is best. But what the town can't do is say to the rest of the citizenry, you can only use such and such seeds.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator, for answering that and clarifying that. And also, nothing necessarily prohibits towns from incentivizing ordinances that incentivize the use of certain seeds or fertilizer. It just stops towns and cities from, from prohibiting certain seeds and fertilizers.

SENATOR BRADLEY: Towns under House Bill 1233 are preempted from enacting a municipal ordinance on which seeds agriculture interests can use.

SENATOR FELTES: So, they, which can be used; however, it doesn't stop towns and cities from incentivizing however they see fit.

SENATOR BRADLEY: That would be my understanding. I don't think it's covered in the bill.

SENATOR FELTES: Okay. Thank you very much. Thank you, Mister President.

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

HB 1402, relative to ordinances regarding forestry activities. Ought to Pass, Vote 5-0. Senator Avarad for the committee.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1402 Ought to Pass. This bill requires municipalities to minimize any adverse effects to forestry activities when adopting ordinances. This bill also prohibits municipalities from adopting ordinances that deal solely with forestry, which adversely affect forestry activities. This bill addresses an emerging problem that the forest products industry is facing; inconsistent, unreasonable and adverse local regulations. Because forest products manufacturers source their raw materials from across the state, they and their suppliers need to be stable and consistent regulatory framework at the, at state and local levels. House Bill 1402 creates a standard that municipalities must meet when seeking to enact ordinances, rules, or bylaws. The standard requires that the municipalities consider the potential adverse effects of a proposal on forestry activities and take reasonable steps to minimize such effects. The bill does not infringe on a municipality's authority to enact an ordinance. It merely requires the municipalities to consider the potential impact of a proposal on the forest products industry before enactment. Encouraging all stakeholders to come to the table and to minimize the adverse effects. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on House Bill 1402. Thank you, Mister President.

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

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

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

SENATOR FULLER CLARK: Thank you, Mister President. I move House Bill 1458 Ought to Pass. This bill exempts from rulemaking requirements those Fish and Game rules governing marine species managed under federal law. House Bill 1458 will allow New Hampshire to move quickly to more quickly align its rules with those adopted under federal law that manages marine species, i.e. the Magnusson-Stevens Fishery Conservation and Management Act. It is important that state and federal rules be complementary to effectively manage fisheries and to avoid confusion amongst commercial harvesters or saltwater recreational anglers. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on House Bill 1458. Thank you, Mister President.

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12

Sen. Bradley, Dist 3

May 1, 2018

2018-1852s

04/10

Floor Amendment to HB 1458

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

AN ACT relative to exempting certain rules governing marine species from the administrative procedures act and relative to immunity for campground owners.

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

2 Findings. The state of New Hampshire finds that:

I. Camping is a popular form of recreation in the state. It affords residents of the state access to natural environments, outdoor activity and relaxation. It is a major source of tourism visits from nonresidents which generate employment, taxes and economic activity for the state. Camping, by its very nature, involves experiences in natural environments which inherently involve risks and hazards which are not present in the built environment.

II. Persons who choose to camp must accept the inherent risks of camping, without an expectation that they may recover damages if they are injured as a consequence of the experience they have selected.

3 New Subdivision; Campground Immunity. Amend RSA 216-I by inserting after section 15 the following new subdivision:

Campground Immunity

216-I:16 Definitions. In this subdivision:

I. "Camping" means all aspects of visiting, staying at, and using a recreational campground or camping park.

II. "Inherent risk of camping" means a danger or condition that is an integral part of camping, including but not limited to the following:

(a) Naturally occurring features of the natural world, such as trees, infectious agents, tree stumps, roots, brush, rocks, mud, holes, sand, standing water, and soil.

(b) Uneven or unpredictable terrain.

(c) Natural bodies of water and the use of natural bodies of water, including swimming, and aquatic sports.

(d) Another person at a recreational campground or camping park acting in a negligent manner, where the campground owner or employees are not involved.

(e) A lack of lighting at campsites.

(f) Campfires in a properly constructed and maintained fire pit or enclosure provided by the recreational campground or camping park.

(g) Weather.

(h) Insects, birds, bears, and other wildlife.

(i) Violation of safety rules or disregard for signs indicating danger.

(j) Actions by campers or visitors which exceed their physical limitations or abilities.

(k) Animals owned by other persons which cause injury or death, unless the recreational campground or camping park has accepted responsibility for care of the animal or has actual knowledge that the animal poses a hazard to the safety of other campers.

(l) Activities undertaken by a camper or visitor, utilizing the camper's own equipment, and undertaken for the purpose of exercise, relaxation, or pleasure, including but not limited to hunting, fishing, picnicking, exploring, bicycling, horseback riding, operation of a powered vehicle, cutting wood, water sports, harvesting the products of nature and any other outdoor sport, game, or educational activity.

III. "Willful disregard" means conduct committed with an intentional or reckless disregard for the safety of the actor or others.

216-I:17 Immunity.

I. Except as provided in paragraph II, a campground owner, including any employees, officers, and agents of a campground owner, shall be immune from civil liability for acts or omissions related to camping at a recreational campground or camping park resulting in the death of or injury to a person, or damage to property, caused by the inherent risk of camping.

II. The provisions of paragraph I shall not apply if the campground owner, including any employee, officer, and agent of a campground owner seeking immunity:

(a) Intentionally causes death or injury to another person or intentionally causes damage to property.

(b) Acts with willful disregard for the safety of another person or property.

(c) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to him or her on a recreational campground or camping park, if he or she is aware of the condition.

(d) Is grossly negligent.

III. This section shall not be construed to limit the immunity created under RSA 212:34.

4 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.

2018-1852s

AMENDED ANALYSIS

This bill exempts from rulemaking requirements those fish and game rules governing marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act. The bill also provides immunity for campground owners and establishes exceptions to immunity under certain circumstances.

SENATOR AVARD: Thank you, Mister President. This, this amendment has to do with a bill that we recently passed and we'll try and give it another shot. It has to do with the campground immunity bill and I ask for your support in passing this bill. We've already passed it once and giving it another shot. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I have a question about the germaneness of marrying these two bills together.

PRESIDENT MORSE: Good question.

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

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

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in opposition to this Floor Amendment erasing negligence claims against campground owners. Well, if you want to vote for this, I hope you don't go camping because access to justice is going to be out the door. Don't vote for this. The House killed it overwhelmingly and put it on the Consent Calendar, so I would encourage you to vote this down. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition as well and I do so with concern, not so much about the camping, but I voted for this bill because I felt it would help our campgrounds and it was important to do that. I'm concerned about the process, and I'm concerned that marrying these two things together will, will create a difficult situation for this very, very important bill. Very important that we need to protect our, our species. They're important species, even though there's not as many in my district as in some other district, they're still important and I'd hate to see us lose this. We can find another vehicle to do this on, but this season where we have to choose between bills that we support, it's going to get harder and harder, but I think we need to not disrupt the process and hurt these very important bill that we're trying to pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support the amendment. We have to remember some basic facts here, ladies and gentlemen. A. we already have very similar protections in the ski industry that we all have supported forever because we recognize being outside has its own inherent dangers. We should also recognize the fact that this does not cover you on a property that's built, or in a building, or in a pool, or anything. This is incidental trip and fall stuff in the woods that quite frankly if you're walking in the woods and you trip over a stump you should take responsibility for it, frankly. So, it's very common sense. It doesn't jump the shark per se that it provides completely blanket immunity here. This is very limited for cases where people need to take a little personal responsibility. So, I would ask that the body support the amendment. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to remind the body that this was voted positively out of this body and Senate Judiciary heard this bill and one of the things that we heard was that campground owners were having a very, very difficult time getting insurance because of a lot of frivolous lawsuits from the trip and fall type things that the Senator from District 9 spoke of. We know that a lot of people come here in the summertime. They love to enjoy the woods and wilds of New Hampshire. And it's going to be a little more difficult if we don't have campgrounds available for these folks to, to go to. They're going to go someplace else. I don't want to lose that business and I would hope my good friend from District 1, who has a great deal of campgrounds up in his district, wouldn't like to see the loss of that business because when you lose the campers, you lose the little, the mom and pop stores that sell the groceries; the farmers perhaps that sell produce to the folks that come up; maybe our state liquor stores because people like to sit outside, enjoy the wilderness and have a few drinks with their friends. We don't want to see that start to affect other areas. This is a growing area of revenue for our state. It has always been something that we have supported, and I would hope Mister President, that the members of this body will support our campground owners and allow them to have this very limited immunity. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Very briefly, I stand strongly in support of this. I have a number of campgrounds in my district. And virtually all of them are very concerned at what's happening to their insurability because of frivolous lawsuits. This is no different than the immunity we grant ski areas, already in existence. Because people get hurt when they're skiing, there's an inherent risk when you ski. There's also inherent risk when you're at a campfire. It's an inherent risk when you're walking to a bathroom in the dark in the campground, okay? What this says is if the campground owner is negligent, to the point of being reckless, he disregards a threat that's very clear. There's a big boulder in the way or a tree fell and he didn't clear it. That's one thing, but these frivolous lawsuits are beginning to represent an existential threat to the campgrounds in our state because their insurability is at risk. And for that reason, I strongly support passage of this bill. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise respectfully to respond to the comments from my good friend from District 14. I just don't think it's a very good marketing tactic to say come to New Hampshire and camp where if you get injured or your child gets injured, you cannot get access to justice. How is that a good marketing technique? I don't think it is. And by curbing the ability to file claims, you're not going to get rid of frivolous lawsuits. You're not. There'll still be, to the extent there are frivolous lawsuits, there'll still be frivolous lawsuits. There'll still be that, nothing prevents people from filing cases. So, I don't see how this does us any good. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to this amendment. This body had a very, very lengthy debate on this issue and it's true that the body did pass it, but there are two important things that I think you should note. One is that what

drove this legislation was not lawsuits, but what drove the legislation was a change in the insurance market. And one of the major carriers of campground policies decided it wasn't going to do business in the state. So, that changed the landscape for campground owners. So, that's the issue that we should try to be working with them on. But I would also point out that this bill had a very lengthy hearing in the House and a very large House Committee considered this legislation and they defeated it, resoundingly. So, the problem is if we send this green species bill over to the House with something that they've already killed, they can't entertain it. So, we put the underlying bill in jeopardy as well. If you're aware of the House rules, you'd know that's the case. They're not going to be able to look at it. This isn't a good thing to be doing right now to this underlying piece of legislation. We've had the debate over the merits of this bill. I think we should let the situation stand as is and move forward with the underlying bill, and for those reasons I oppose this amendment. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise briefly in opposition to the amendment. And one of the things that I heard over and over I'm hearing in the committee, I heard here about frivolous lawsuits. So, I probably annoyingly, asked pretty much every single member, owner of a campground, if they had ever had a frivolous lawsuit or any lawsuit and not a single person was able to tell me that they had. Just so you know. Thank you, Mister President.

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

SENATOR WOODBURN: Thank you, Senator, for taking my question and we, we agree on this issue on the issue of campground immunity. I just wanted to ask you if you can find another vehicle, or more importantly, and I know you're, you're excellent at putting complicated, difficult negotiations with the House and the Senate together, is that, can we find a way to move this forward because the real fight here is not in this body, but over there, to get a compromise that will win House support. And I guess there's a question in there somewhere, but I appreciate your leadership and know you're good at putting these tough deals together.

SENATOR CARSON: Thank you for those kind words, Senator. I didn't choose to put this here. This is not my amendment, but this issue did come in front of our committee and it would be up to the sponsors to decide the vehicle. I do believe the bill has merit. I think there were some issues that were outside of this bill that were at play in the House, and that I think that if we had another opportunity to work with the House, I think we, we can get the job done and I'd like to see if we can.

SENATOR WOODBURN: Thank you. I very much appreciate it. Thank you.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I just have to stand up and defend one of the larger industries in our state, which are campgrounds. They dwarf the ski areas. We have a number of campgrounds in the state of New Hampshire and the owners of these campgrounds care about their campgrounds and they care about the security and the well-being of their campground. If, if we're going to say, well, hey, come to the ski areas, they got immunity and if your kid gets hurt, you're not going to be able to sue, you're saying the same thing about the campgrounds. That's not fair. That's not fair. That's a false narrative and false

narratives hurt industry in New Hampshire. I heard a testimony, in the House side, well, these campground owners can have drug users and there's going to be needles everywhere. Needles. Oh, my goodness. These are the most irresponsible people that you could possibly have and you shouldn't go there if they're not going to have the ability to sue. That's a false narrative. Narratives need to be honest. These, this industry needs protection like the ski areas. If we're not going to have it for the campgrounds, then we should not have it for the ski areas. The owners of these campgrounds are responsible individuals who want a thriving business and a fair shuffle. Thank you, Mister President.

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

SENATOR LASKY: Yes, you just stated that if we're not – if we're going to do it for the ski areas, we should do it for the campgrounds. Where does this end? If we grant immunity to campgrounds and to everyone who may get hurt, you know walking around, whatever. Where does this end?

SENATOR AVARD: Thank you for the question, Senator. And I think as far as the recreational part of our industry in our state, campgrounds, ski areas, people that are coming to visit our state should have an equal playing field.

SENATOR LASKY: So, does that mean we would grant immunity to museums? To other public areas that people use when they come to New Hampshire? That's, that's my issue.

SENATOR AVARD: Thank you for the question, Senator. And I'm not sure, but I think municipalities and museums that are owned by the municipalities enjoy a certain degree of immunity.

SENATOR LASKY: Thank you.

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

SENATOR WOODBURN: Thank you, Senator for taking my question, and I probably should have asked you instead of the Senator from District 14. I greatly appreciate your passion on this issue, I really do. But passion isn't going to get it done when the people across the hall here are against it. So, my question to you is, how has your effort to try to convince them of your position as a Republican controlled Legislature, how have you brought your passion to them? And the second part of the question is, what have you done to try to find compromise to bridge the gap here, so we can move this good bill forward?

SENATOR AVARD: I thank you for that question and I'm not going to reveal my secrets.

SENATOR WOODBURN: Then keep working on it then, Senator. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would like you all to join me in reading the content of the bill. "Inherent risk of camping" means a danger or condition that is an integral part of camping, including but not limited to the following: Naturally occurring features of the natural world, such as trees, infectious agents, tree stumps, roots, brush, rocks, mud, holes, sand, standing water and soil. Natural features. Uneven or unpredictable terrain. Natural bodies of water and the use of natural bodies of water, including swimming, and aquatic sports. Another person at a recreational campground or camping park acting in a negligent manner, where the campground owner or employees are not involved. A

lack of lighting at campsites. Campfires in a properly constructed and maintained fire pit or enclosure provided by the recreational campground or camping park. Weather. Insects, birds, bears and other wildlife. Violation of safety rules or disregard for signs indicating danger. Actions by campers or visitors which exceed their physical limitations or abilities. Animals owned by other persons, which cause injury or death, unless the recreational campground or camping park has accepted responsibility for care of the animal or has actual knowledge that the animal poses a hazard to the safety of other campers. Activities undertaken by a camper or visitor, utilizing the camper's own equipment and undertaken for the purpose of exercise, relaxation, or pleasure, including but not limited to hunting, fishing, picnicking, exploring, bicycling, horseback riding, operation of a powered vehicle, cutting wood, water sports, harvesting the products of nature and any other outdoor sport, game or educational activity.

This is not an all-inclusive you're off the hook. This says natural components of the camping environment cannot be used as a basis. And you're right, Senator from District 15, and Senator from District 18, and Senator from District 5. Anyone can sue anytime, okay? What this does it, it protects the businesses from the insurance claims that continue to occur and continue to increase that don't get taken to litigation. Because many of these campgrounds can't afford to go to court over the issue and it's cheaper to settle out. When they settle, they pay the deductible and the insurance company pays the rest. The instance of those is skyrocketing because of the litigious nature of our society. This is a business-friendly bill. This bill helps businesses that are part of the core of the North Country in which I and the Senator from District 1 reside. As I said, the absence of this bill poses an existential threat to campgrounds that will not be able to gain insurance, not because of suits, but because of claims. For that reason, I ask you to please support this bill and do what's right for the businesses and the campground owners of our state. Thank you, Mister President.

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

SENATOR LASKY: Senator Giuda, thank you for taking my question. Much of what is in this bill and much of what you say I totally agree with. I do think, however, it goes too far. What would you say to the person who is injured, or their child is injured, whomever, in a wheelchair because a campground worker who is immune by this legislation, left a bucket of something out, left a tool out, left, was negligent in, in doing their work and you could not get any relief by this bill? It seems to me –

SENATOR GIUDA: I disagree.

SENATOR LASKY: You just blanketly disagree.

SENATOR GIUDA: That's reckless. An act like that, okay, where a person leaves a tool out is a reckless act.

SENATOR LASKY: Not – okay. Secondly, it just seems to me and would you believe, or would you agree, that the campground owner's beef is not with who may or may not sue as we've heard testimony that there hasn't been any, it's with the insurance companies. Would you believe?

SENATOR GIUDA: I would believe that campground owners have to exist in a business environment we create. And we don't control insurance companies or private entities. They also are part of the environment. When they make a change to that business environment that becomes the existential threat to these enterprises, we as a Legislature, should respond in an appropriate way and that's what this bill does. Thank you, Mister President.

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

SENATOR WOODBURN: Senator, I, I agree with you in policy. I'm concerned is the political malpractice. What have you done? Because talking isn't doing around here. We've got to get things done, it's important. My question for you is, what have you done to convince your party to join us in passing this bill, across the hall, what House, you came from the House. What have you done to either convince them or find a compromise to move this forward? Without that, this is just, unless we change it, how do we get the House to support this bill? What are you doing?

SENATOR GIUDA: First of all, I disagree on the premise of political malpractice. I think that you indict this entire body when you make such a comment. This is a part of the political process and the process of negotiations involves putting things at risk, okay? And so, for that purpose, this is a bill that is key to the North Country that you represent as well as I, and the businesses there, okay? And so, we should be supporting this regardless of an underlying bill. We can get them both. This is called negotiations and it happens all the time in the political realm. Thank you, Mister President.

Senator Birdsell moved to call the question. Adopted.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Mister President, I have to disclose that my brother owns a campground. I have no interest in it, but in case it presents a conflict, I want that on the record, I will be participating.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, 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.

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Cavanaugh for an introduction.)

SENATOR CAVANAUGH: Thank you, Mister President. I'd like to welcome the fourth graders from Dunbarton Elementary School. I hope you enjoy your visit today and give us all a great big wave.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Seeing as it is again very warm in here today, I would like to make the request that would allow the gentlemen in the chamber to remove their jackets.

PRESIDENT MORSE: Request is granted.

FINANCE

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, Vote 6-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1104 Ought to Pass. This bill establishes time limits in several areas in an effort to streamline processes for certain state agency actions. This helps to hold state agencies accountable to action within reasonable time frames. Specifically, the bill shortens certain time limits related to wetlands permits and terrain alteration; establishes a time limit for recommendation on grant of right petitions for excavating and dredging in public waters; reduces certain time limits for agency actions on applications under the Administrative Procedure Act; provides that failure of an agency to act within certain proscribed time limits under the Administrative Procedure Act shall be treated as agency approval; and requires the Secretary of State to allow online businesses and corporate filings. And finally, establishes and clarifies certain time limits for agency action on applications, petitions and requests by the Department of Health and Human Services, the Public Utilities Commission, the Department of Employment Security, the Insurance Department, and the Department of Environmental Services. And the Senate Finance Committee unanimously recommends passage of HB 1104 and asks for your support. Thank you, Mister President.

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

Senator Woodburn is in opposition to the motion of Ought to Pass on HB 1104-FN.

HB 1316-FN, relative to revenue collected from concealed carry licenses. Inexpedient to Legislate, Vote 4-2. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1316-FN ITL. This bill would restrict the first \$400,000 per year of unrestricted General Fund revenue, and currently, the Permits and Licensing Unit is funded by the Criminal Records Fund. I would ask the body to overturn the Inexpedient to Legislate motion, so that a further motion can be introduced by the Chairman of Finance. Thank you, Mister President.

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

Senator Daniels moved Ought to Pass.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
May 2, 2018
2018-1884s
04/10

Floor Amendment to HB 1316-FN

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

AN ACT relative to revenue collected from concealed carry licenses and relative to funding the permits and licensing unit of the state police.

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

2 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I(b) to read as follows:

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 5 years. When required, license renewal

shall take place within the month of the fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. ~~[Of the revenue collected by the state, the first \$400,000 in each fiscal year shall be credited as agency income to the department of safety, division of state police, support services bureau, permits and licensing unit, and the remainder shall be credited to the general fund. Any unexpended agency income shall lapse to the general fund at the end of each fiscal year.]~~ The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

3 State Police; Rulemaking Power. Amend RSA 106-B:7, II to read as follows:

II. Notwithstanding RSA 106-B:10 or any other provision of law to the contrary, the fees collected pursuant to RSA 106-B:7, I(b) shall be credited to a special nonlapsing account by the department of administrative services for the department of safety to cover the expenses of staffing the criminal records section, maintaining and updating the database, and conducting such checks. Such fees shall not be deposited in the general fund. ***No funds from this account shall be transferred or used to cover any costs of the permits and licensing unit of the division of state police.***

4 Effective Date.

I. Sections 2 and 3 of this act shall take effect July 1, 2019.

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

2018-1884s

AMENDED ANALYSIS

This bill requires a portion of revenues collected from concealed carry permits to be credited to the permits and licensing unit of the state police for the fiscal year ending June 30, 2018. The bill also prohibits the use of the criminal records fund to cover any costs of the permits and licensing unit of the state police.

SENATOR DANIELS: Thank you, Mister President. When this bill came to Finance, we rejected it initially because it took \$400 – \$400,000 from the unrestricted General Fund revenue and put it into an account in the Department of Safety, but it did so on an ongoing basis and we felt that the, that should not happen. That it should come before Finance as a regular issue within the budget as it's developed. Subsequent to Finance voting Inexpedient, we had a discussion with the sponsor who indicated that the intent of the bill was not to do it on an ongoing basis, which the bill did, but to do it for one year because currently that fund, which the 400,000 is going to, they are taking money out of a dedicated fund for criminal background checks.

So, the other issue that this does, the amendment does in addition to limiting that to one year, is it prevents them from taking money out of that criminal background checks. So, the way it would work is that for one year, which would end in July 1, 2019, the first \$400,000 of unrestricted revenue from out-of-state gun permits would go to this Department of Safety account. They would be prohibited from taking any more money out of the criminal background check and will force us to deal with a sustainable source of funding for this account in the next budget. I would appreciate your support. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Senator, for taking my question. If you flip to page 2, line 1 through 3 of your Floor Amendment, I'm just going to highlight this language, it says, "no funds from this account shall be transferred or used to cover any costs of the permits and licensing unit of the Division of State Police". That's a pretty significant policy change. What's the purpose of doing that?

SENATOR DANIELS: The purpose is currently, currently again, the, if you look on, trying to find the agency that is funding now. Whatever account that it's going into, they're taking money out of a dedicated fund and I guess this has been happening, but the amount of money that's taken to run that specific part of the department is more than, than what's necessary. On Line 17? No. The amount that they're using is actually cutting into the, the funds that are necessary to run the background checks, so they're not having enough money there. So, the intent of this is to provide enough money for this part of the agency to be able to run until July 1, 2019 without taking more money out of that account. That's what this does. So, it's just for a one-time thing and you'll see that the effective dates are separated, so we're saying that sections 2 and 3 will take effect in July 2019. Those force us to take care of the issue within the budget. The remainder taking effect in 2018 allows that 400,000 for one year to flow to the agency.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator, for taking my question. Part of the intent of Representative Umberger and Representative Weyler's bill was to help with the backlog of permitting and licensing which this precludes, help to, based on the language I just read. Doesn't this undermine one of the major purposes of the bill?

SENATOR DANIELS: My understanding, no. I mean, I had explained it to OLS the way that Representative Umberger had, had told me that she had wanted it to be done. Actually, we've looked at the Department of Safety Division of State Police, Support Services Bureau Permits and Licensing Unit. That's where, that is the account right now, the division that is taking money out of the criminal backgrounds check. That's on line 20 in the crossed out portion of the amendment. And that's, that's what's referenced, is that no more money shall be transferred out of that account being the dedicated account to cover any of the costs for that. That's what the 400,000 is going to be covering.

SENATOR FELTES: Thank you very much, Senator. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: The licensing problems that are being faced by the Department of Safety, which are extensive, extensive. Who has not had

a complaint from somebody in their district that this is ridiculous how long it takes? So, we have had any number of bills in front of us in this legislative session to try to have temporary licensing and, and try and give more backdoors to, to our current operations in the Department of Safety. The commissioner, as I understand his priorities, is to place this function, this function of permitting of firearms, place the dollars collected from it to operate that licensing, and to then have the dollars available from criminal history background checks and other licenses to operate that division. And here's the major benefit of doing this. There are forty-one different locations in this state that have electronic fingerprinting machines. You look at the newest one and you look at the oldest one. The oldest one looks like an IBM 1963 version. You walk into a room that needs to be dedicated to it, it's huge. You go to the most, most current and it is a tabletop device. Forty-one of these and there probably aren't enough. The commissioner would take these dollars and apply them to adding more, which would only enable people to do this in their local environment. Get these background checks, the fingerprinting done, accelerate the process and I think this amendment gets in the way of that. I'm going to vote against this because I just don't believe that it's in their best interest for workforce development, for helping getting people into the workforce and for helping modernize this department. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

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

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

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

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

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

Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 1356 Ought to Pass. This bill 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. House Bill 1356 also makes a supplemental appropriation of \$75,000 for the fiscal year ending June 30th, 2018, and the sum of \$392,304 for the fiscal year ending June 30th, 2019 to the Department of Business and Economic Affairs for the costs of relocating the department's operations to a new premise and for the costs of leasing the premise. The Governor is authorized to draw a warrant for said sums out of any money in the Treasury not otherwise appropriated. The Senate Finance Committee recommends passage of House Bill 1356 and asks for your support. Thank you, Mister President.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
May 1, 2018
2018-1869s
05/10

Floor 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; making an appropriation to the department of business and economic affairs for relocation costs; and relative to the exemption for recreational vehicles from property taxation.

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

3 Taxation of Property; Exemption; Recreational Vehicles. RSA 72:7-d is repealed and reenacted to read as follows:

72:7-d Exemption; Recreational Vehicles. For purposes of this chapter, recreational vehicles, as defined in RSA 216-I:1, VIII, having a maximum width of 8 feet and 6 inches while being transported, and located at a "recreational campground or camping park," as those terms are defined in RSA 216-I:1 VII, shall not be taxable as real estate.

4 Definition of Recreational Campground or Camping Park. Amend RSA 216-I:1, VII to read as follows:

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only ***for an undetermined or indefinite amount of time***, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

5 Effective Date.

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

II. Sections 3 and 4 of this act shall take effect April 1, 2019.

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

2018-1869s

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.

III. Removes the requirement that recreational vehicles exempt from property taxation have a valid motor vehicle registration and number plate; removes the requirement that campground owners provide local assessing officials with the name and address of recreational vehicles at the campground that fall within the tax exemption; and amends the definition of recreational campground or camping park to mean campsites intended for temporary occupancy for an undetermined or indefinite amount of time.

Recess. Out of recess.

SENATOR SANBORN: Thank you very much. To the body, I introduce Amendment 1869s, which is language off a bill which I think was Sen-

ate Bill 403, which passed this body 23-1 because Mister President that was a day that rarely happens, but Senator French was being Senator French. But today, he is committed to vote so it's a 24-0 vote. Same policy we talked about before which recognizes RVs for being standing for an indeterminate or indefinite period of time. I ask the body to continue the same support that it had last time. 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 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.

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

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1427 Inexpedient to Legislate. This bill would provide for the application of the reduction of a Group I retiree's annuity at the member's full retirement age under the Federal Social Security System rather than age 65. House Bill 1427 raises the age at which the New Hampshire Retirement System benefit decreases ten percent from age 65 to age 67. The cost of this benefit would be paid by an increase in the employer contribution to the Retirement System. A majority of the committee members viewed the impact of the bill as increasing costs to cities and towns, which have been estimated at 10.4 million for fiscal years '20 through '22. The Senate Finance Committee recommends HB 1427 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to the ITL motion here. This is an issue that was discussed at great length on the Decennial Pension Commission as the Senator from District 14 will recall and we voted to approve this change for a couple reasons. I mean first and foremost it's not any of our retiree's fault that the Federal Government raised the retirement age, and they're being penalized for that. So, years ago when we had this reduction of the benefits, if somebody retired before age sixty-five and they retired at sixty-five, then all of a sudden, they're looking at 10 percent reduction in their benefits. Well, and the idea of the original bill was age sixty-five was chosen because that was the federal age of retirement. And now the feds have raised it to sixty-seven and we're telling these people well, we're going to whack your pension because of what the Federal Government did, take 10 percent of. And it's also, another reason we thought this was a good idea was because it became a disincentive or, you know, the people who for a variety of reasons, you know, just aren't going to be able to make it to sixty-seven. And you know, when I was working as a carpenter I remember, I was a young guy and doing all this and that. Then one of the other carpenters said, "Dave, show me the old carpenters, we're the old carpenters". And yeah, age fifty, age fifty-five, you're broken down. So, I know there's the consideration of the expense to the municipalities. We know that, but this is a simple matter of fairness and justice to put our system in accordance with what the feds are doing, so we don't penalize our retirees. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I speak in opposition to the current motion as well. As my colleague just stated, the design of

this system was done at a time when the retirement age for social security benefits was age sixty-five. People who had started working, people who were in the process, people who were paying their contributions right along had an anticipation that they were going to be able to retire, that there would be a reduction and I would point out, this legislation does not do anything to the reduction, we could be looking at perhaps changing that, but this doesn't. All this says is it should coincide with the actual social security benefit coming in which is now at age sixty-seven. This, for many retirees, is a challenging and burdensome problem. There were people as I said who started working in this system many years ago who have right along been paying their full contribution and yet this benefit change has had a substantial impact on their ability to make ends meet in their retirement. For those reasons, I would hope that all of you will think about our retirees and their service to our state and to our municipalities and vote down the Inexpedient, so that we can offer another motion. Thank you, Mister President.

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

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

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

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

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

Senator Bradley moved to Lay on the Table HB 1427-FN.

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Thank you, Mister President. If you believe that it's time to move forward with this to coincide with the what the Federal Government has done in terms of classifying retirement and help our seniors, so their retirement benefits aren't cut would you vote no on Tabling, so we can move on to Ought to Pass? Thank you, Mister President.

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

PARLIAMENTARY INQUIRY

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

SENATOR GIUDA: Thank you, Mister President. If I knew that this situation has been well known to these employees and their representative unions for a long time, and that this is an issue better served in contract negotiations rather than by state statute, would I now vote yes on the motion to Table? Thank you.

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

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

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

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

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

HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services. Ought to Pass with Amendment, Vote 5-1. Senator D'Allesandro for the committee.

Senate Finance
April 25, 2018
2018-1782s
01/03

Amendment to HB 1468

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

AN ACT establishing a commission to study legislative oversight activities related to the department of health and human services and relative to the nursing home bed moratorium.

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

3 Residential Care and Health Facility Licensing; License or Registration Required. RSA 151:2, VI is repealed and reenacted to read as follows:

(a) No new license shall be issued for, and there shall be no increase in licensed capacity of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This moratorium shall not apply to any rehabilitation facility whose sole purpose is to treat individuals for substance use disorder or mental health issues.

(b) This moratorium shall not prohibit the relocation or transfer of beds to a nursing home, skilled nursing facility, or intermediate care facility; provided that the beds to be transferred or relocated were in existence as of July 1, 2016, that the receiving facility is located in the same county as the facility where those beds were located as of July 1, 2016, and that the action shall not reduce the number of Medicaid beds located in that county. This restriction on transfers shall not apply to any beds transferred from one entity to another before the effective date of this paragraph.

(c) This moratorium shall not prohibit the relocation or transfer of beds to a rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services; provided that the beds to be transferred or relocated were licensed on July 1, 2016. This restriction on transfers shall not apply to any beds transferred from one entity to another before the effective date of this paragraph.

2018-1782s

AMENDED ANALYSIS

This bill establishes a commission to study legislative oversight activities related to the department of health and human services.

This bill also establishes a moratorium on licenses for new health care facilities and increases in licensed capacity in existing facilities, except for rehabilitation facilities whose sole purpose is to treat individuals for substance use disorder or mental health issues.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I move House Bill 1468 Ought to Pass with Amendment. This bill

establishes a Commission to Study Legislative Oversight Activities Related to the Department of Health and Human Services. HB 1468 was amended to establish a moratorium on licenses for new health care facilities and increases licensed capacity in existing facilities, except for rehabilitation facilities whose sole purpose is to treat individuals for substance abuse disorder or mental health issues. The Senate Finance Committee recommends passage of House Bill 1468 as amended and asks for your support. 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.

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

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

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

Senator Reagan moved to Lay on the Table HB 1592-FN.

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Mister President, if you know as I know that this bill establishes and requires the establishment of safe drinking water standards for arsenic, including consideration of the costs and benefits of that standard, and if you further know that this passed unanimously out of the policy committee, would you now vote no on Tabling, so we can finally move forward with rulemaking to establish standards on arsenic in drinking water? Thank you, Mister President.

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

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

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

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

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

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I would argue that we turn down Inexpedient to Legislate for the same reasons we turned down the motion to Table. It's about time that we finally move forward with drinking water standards for arsenic in the state of New Hampshire, which considers cost and benefits through the rulemaking process. Thank you, Mister President.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1592 Inexpedient to Legislate. This bill would require the Department of Environmental Services to review the arsenic maximum contaminant

level for public water systems and the arsenic ambient groundwater quality standard to determine whether they should be lowered and if it is determined that either should be lowered, initiate rulemaking to do so. If the department were to lower these standards, it would mean significant increased costs for some of the affected facilities, such as entities that own public water systems, wastewater lagoons, landfills and other facilities that discharge the groundwater. In addition, the department does not currently have staff or the expertise necessary to independently review available research regarding the health effects of arsenic exposure or review data regarding the occurrence of arsenic in treated and untreated water at public water systems as the department does not normally set drinking water standards for MCLs. Committee members noted the population of the state on public water is much smaller than those on private wells, where the problem of arsenic contamination has been found to exist. Fearing the bill may be imposing an unfunded mandate on some communities as well as being very uncomfortable with the approach the bill is proposing, the Senate Finance Committee recommends HB 1592 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I stand in support of the ITL, Mister President. This bill lets DES go from A directly to Z. It lets them go and establish right into rulemaking without coming back to this body for review of its work and the standard it sets. And DES, in my opinion, is the last agency in the state that's capable of analyzing the financial impact on our local businesses, and I have more than a few of my own personal constituent cases to show that. So, we're not against the idea of doing this, it's the methodology that's flawed that lets them go directly to rulemaking and bypassing this Legislature and that's a problem. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I'll remind my good friend from District 2 that any rules go through the Joint Legislative Committee on Administrative Rules for approval, number 1. Number 2, we did this same thing with other drinking water standards with DES. DES knows how to do it and this bill; this House Bill specifically says consider the costs and benefits. And, in some cases, the Municipal Association or the BIA have opposed these kind of bills. No one opposes this bill, no one opposed it. In fact, the New Hampshire Waterworks Association supported it. So, let's move forward with this, go through the rulemaking process, the stakeholders' deliberative process, and review whether or not to set an arsenic standard that makes sense for New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would remind my friend from District 15 that JLCAR does not represent the policy making bodies on this, in this Legislature. It gets the result of the policies made by the full Legislature and an issue of this importance with its potential catastrophic impact on towns, cites and water districts deserves the full review by the policy committees in both chambers. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Reading from the Fiscal Note, the department states that lowering the level for arsenic to

5 parts per billion from 10 would affect a number of facilities that hold ground water discharge permits. Of 102 facilities, including wastewater lagoons, sludge lagoons, and wastewater discharges to the ground with permits, 40 are public entities. At least eight of those facilities struggle to comply with the current 10 parts per billion limit, at least some of the time. Seven of those are outlying wastewater lagoons and one is a sludge lagoon. The facilities with persistent problems are in various stages of evaluating ways to achieve continuous compliance, typically by removing accumulated solids. The cost of compliance of these facilities is not possible to determine at the time but is expected to be 10,000 to 100,000 per year for each facility. By lowering the level to 5 parts per billion, the department estimates the number of facilities needing to take on additional cost may double or even triple. If so, the compliance costs due to lowering the limit to 5 parts per billion could be on the order of 80,000 to 1.6 million per year for all publicly owned facilities, including privately owned facilities would bring the total cost of the order to around 200,000 to 4 million per year. This is the financial impact of, of this bill. I would ask that you uphold the Inexpedient motion. Thank you, Mister President.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table HB 1592-FN.

Recess. Out of recess.

PARLIAMENTARY INQUIRY

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

SENATOR BRADLEY: If I knew that there was a computer problem downstairs that is leaving us unable to print amendments right now, would it be appropriate for a motion on the pending bill to Table it?

PRESIDENT MORSE: That would be your choice, Senator.

Senator Bradley moved to Lay on the Table HB 1592-FN.

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Thank you, Mister President. Mister President, if you know that the bill's been worked on for a very long period of time, it authorizes DES to promulgate drinking water standards with arsenic, which is one of the major causes of cancer in drinking water, if you knew that and you knew that it doesn't need further amendment, would you vote no on Tabling?

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

PARLIAMENTARY INQUIRY

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

SENATOR GIUDA: Thank you, Mister President. If I know that the purpose for Tabling this bill is to allow this chamber to put it in proper format for the normal legislative process, so that the people's elected representatives can vote on a proposal brought forth as opposed to going directly to rulemaking, would I vote yes on the Tabling motion? Thank you, Mister President.

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

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

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

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

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

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

Ought to Pass with Amendment, Vote 4-2. Senator Giuda for the committee.

Senate Finance
April 25, 2018
2018-1779s
01/03

Amendment to HB 1626-FN

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

AN ACT requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs and making an appropriation therefor, and relative to liquor commission shortfalls.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation; Department of Health and Human Services. The sum of \$300,000 for the biennium ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of sections 1-3 of this act. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Revenue Shortfalls; Suspension. RSA 176:16-a, relative to liquor commission revenue shortfalls, is suspended for the biennium ending June 30, 2019.

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

2018-1779s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services, in conjunction with the governor's commission on alcohol and drug abuse prevention, treatment and recovery, to make an annual report relative to the cost effectiveness and outcomes of programs funded in whole or in part by the governor's commission.

This bill also suspends the law regarding liquor commission shortfalls for the biennium ending June 30, 2019.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1626-FN Ought to Pass with Amendment. The bill requires the Commissioner of DHHS, working with the Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment and Recovery, to make an annual report relative to the cost effectiveness and the outcomes of these programs funded in whole or part by the Governor's Commission. The bill was amended to

appropriate the sum of \$300,000 to DHHS for the biennium ending June 30, 2019, for the purposes of developing this report. This appropriation is in addition to any other funds appropriated to the department. The Governor is authorized to draw a warrant for said sum out of any money in the Treasury not otherwise appropriated. The amendment also suspends the law regarding Liquor Commission shortfalls for the biennium ending June 30, 2019. The Senate Finance Committee recommends passage of HB 1626 as amended and asks for your support. Thank you, Mister President.

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

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

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I ask my colleagues to vote against the Committee Amendment. What this bill does is asks for a report. We get these reports all the time, and it seems to me, the efficiency of any contract you put out is based on what you ask for in the contract, the results you get and how you measure those when they return to your department. This asks for \$300,000 in funds not otherwise appropriated to do this. Originally, the \$300,000 was in the corpus of the bill and had to be gained through funds already appropriated. I don't think we need \$300,000. I think we can spend that \$300,000 on a number of other things. We have all kinds of reports that come in all the time. My colleagues, if we want or if we have \$300,000 extra, I have many places to spend it. Things that we did not spend it for in the operating budget that we can use this money for. I hope my colleagues will understand. If there's a program and you have a question on its effectiveness, call the commissioner, ask for a report. That's part and parcel of their responsibility as managers of the department and managers of the dollars that we appropriate for that department. If you can't get it, we have an RSA 4:1- A. Malfeasance, misfeasance of the good of the department, you can extricate that individual from the job. I was around when we did RSA 4:1 hearings. They're still around. You don't think they're doing the job, let them know. Thank you, Mister President.

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

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9

May 3, 2018

2018-1912s

01/03

Floor Amendment to HB 1626-FN

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

AN ACT requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs and making an appropriation therefor, relative to liquor commission shortfalls, and relative to direct shipper licenses.

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

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

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

2018-1912s

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of health and human services, in conjunction with the governor's commission on alcohol and drug abuse prevention, treatment and recovery, to make an annual report relative to the cost effectiveness and outcomes of programs funded in whole or in part by the governor's commission.

II. Suspends the law regarding liquor commission shortfalls for the biennium ending June 30, 2019.

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

SENATOR SANBORN: Mister President, thank you so much for allowing me to introduce the amendment. I'd like to talk to the body for a couple minutes about a challenge we're having in our state. Now we all understand and know that the charge of the Liquor Commission is to maximize revenue and that is the charge of the Liquor Commission. But we also have to recognize that the charge of us as Senators is also to look out for and protect our constituents. Now if some people were to take the charge of the Liquor Commission literally, it means we should raise prices on all of our stuff at the Liquor Commission. We should be 2 or 300 percent higher than any state around us. Let's gouge the consumer because that's what the Liquor Commission's saying. Who cares about the consumer? Who cares about the residents of this state? The charge of the state of New Hampshire is to maximize revenue.

Now with that philosophy, we passed a bill two years ago that gave the Liquor Commission broad sweeping powers that said in, in their sole discretion that they felt that they were not able to maximize their revenue due to competition, that we gave them the power to eliminate the competition, to prohibit people from selling products. Now the truth is Senators, the bill doesn't say that and it didn't say that. What the bill actually said was they could take whatever marketing or merchandising protocols in order to do that. But in this case today, some people would suggest there may be a little bit of an overreach. Because we know right now, even though we had a bill under consideration in this body about three months ago, that we said no to a further expansion of those powers at the Liquor Commission to punish their competitors. But the challenge is they're doing it anyway. They have made a decision to deny by refusing to renew licenses for direct shippers of product into New Hampshire.

What does that mean? Direct shippers. If any of you belong to a wine club and there are several of them. If any of you actually go out to Sonoma or Napa Valley and go to a vineyard and find a wine that you like, and it's not being sold at the Liquor Commission, it's not being sold in New Hampshire. This is your ability to say I would like you to ship me

product. The challenge is the Liquor Commission has decided to deny renewals of licenses solely and specifically that universe I'm talking about. Just direct shippers of wine.

So, the question is, what are we fighting about? So, we know today that the Liquor Commission is doing some, just under \$700 million a year in revenue. Direct wine shippers? \$365,000 in revenue to the state of New Hampshire. So, we're seeing the state of New Hampshire saying that they can't compete on a general ledger provision, does \$365,000 in 2017. So every one of us have constituencies, even some people in this room may and for the record Mister President, I do not belong to wine club; although, I must admit I have bought wine from a vineyard I visited years and years ago, but haven't done it in some time.

So, what this amendment, what this amendment does is just go back and specifically carve out just the wine clubs. This does not carve out the retailers, it does not carve out the manufacturers, it does not carve out the distributors, the big, big companies. This only carves out direct shipper licenses. What that means is again, it will send a message to the Liquor Commission that there are people in this state that would like to buy a little wine that they don't stock. And why, why on God's green earth would we be plucking the grape from the vine if it's something the Liquor Commission doesn't stock? Why would we ever want to say, the Liquor Commission doesn't want to stock it, and as a Legislature, we don't want you to be able to drink it. So, I ask the body to support the amendment, which again just looks to carve out direct wine shippers and maintain revenue for the Liquor Commission of \$365,000 in taxation. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current amendment. Although, I do believe there is an issue, I would like to offer a different amendment if this one were to be defeated, and would be happy to discuss that amendment at that time. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I hope my colleagues will not support the amendment and will vote down the bill. I think the premise of the amendment is a good one. It has to be put someplace. I just don't think it belongs here. There's got to be a place for the amendment, it does take care of a problem that does exist and I think the Senator from District 9 articulated that well. I'm surprised he didn't have a conflict. I can't believe it, but that's wonderful. I mean it's the first time in the history of the American Dream where no conflict has been shared with us. That's great. Thank you very much, I feel good about that. So, it's a good idea without a conflict, but not on this particular piece of legislation. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, I rise, I apologize, and I thank my good friend from District number 20. I was thinking I had no conflict on the amendment because I do not buy wine direct, but Mister President, I am a licensee and based upon our current arcane ethics laws, which I think are punitive towards the business community, I am compelled to tell you I may or may not have an ethics conflict being a licensee, being a liquor licensee, and I will still participate.

Recess. Out of recess.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise again and I appreciate the opportunity that my colleague from District 18 had indicated that she too might have an amendment and I'm not here to speak to the specifics of that amendment because that language has not been shared with me Mister President. But my understanding is the amendment will not solve the problem. It will not stop what is happening today. Let us be very clear, will not stop what is happening today. Now there are people, in this case Mister President, it is the Liquor Commission, the same organization that today is using the power of the government to be punitive on these little wine companies, which surprises me because we seem to be so supportive of the nano brewers and all this other stuff, that why today we're arguing about whether or not we're going to support little wine companies. That would say, well why don't we just make it that if we have a reciprocal agreement with that other state, we'll allow those little wineries to sell to our little, our constituents. But Mister President, the truth is, if two states are arguing about something, and the two states don't have an agreement, why are we punishing the little company? Let me give you an example, Mister President, I do not know this to be true, but let's say the state of New Hampshire Liquor Commission decides it does not have a relationship with the state of New York. So, there's no reciprocal agreement. Who does it hurt? All of the little wineries in New York. It doesn't hurt the state. Doesn't hurt the state of New Hampshire, except it will lose tax revenue under this bill. It just loses the little business owner, the little wineries that are trying to ship their product to customers that want to buy their product in New Hampshire. So again, I implore upon the body to consider. This is a body that has always supported nano breweries, microbreweries, brewers, distilleries, cider makers. How many bills did we have this year Mister President, to make sure we're protecting these little industries? This amendment, 1912, will protect the little wineries and then let the states work it out. Let the Liquor Commission from New Hampshire fight with the Liquor Commission of New York or wherever. Why hold the little businesses hostage? We're supposed to be supporting our small business community. We're supposed to be supporting those people that like to buy wine and have it shipped in like some Senator sitting in this room, so they just told me. So, if you vote against this amendment, there are Senators in this room who you will be voting against them being able to get their wine. So, with that Mister President, I conclude my comments and I would ask the body to support amendment 1912. Thank you very much.

The question is on the adoption of the Floor Amendment.

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

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

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

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18
May 3, 2018
2018-1920s
08/03

Floor Amendment to HB 1626-FN

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

AN ACT requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs, making an appropriation therefor, and relative to liquor commission shortfalls, and relative to direct shipper permits for out of state retailers.

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

6 New Subparagraph; Direct Shipper Permits; Out of State Retailers. Amend RSA 178:27, I by inserting after subparagraph (b) the following new subparagraph:

(c) The commission may deny a direct shipper permit to an out-of-state retailer which is domiciled in a state that does not extend equal and reciprocal shipping privileges to New Hampshire businesses.

2018-1920s

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of health and human services, in conjunction with the governor's commission on alcohol and drug abuse prevention, treatment and recovery, to make an annual report relative to the cost effectiveness and outcomes of programs funded in whole or in part by the governor's commission.

II. Suspends the law regarding liquor commission shortfalls for the biennium ending June 30, 2019.

III. Enables the liquor commission to deny direct shipper permits to out of state retailers domiciled in states that do not extend equal and reciprocal shipping privileges to New Hampshire businesses.

SENATOR SOUCY: Excuse me, sorry Mister President. Thank you. This amendment deals with the problem but takes a different approach. The approach in this case recognizes that we do care about small businesses. We care about small businesses right here in New Hampshire, so the language of the amendment quite simply would allow the commission to deny direct shippers their permit if there isn't a reciprocal agreement with the state of New Hampshire. As I said, this is an effort to deal with the problem in a way that the commission recommends and also to ensure that New Hampshire businesses are protected as well. I think it's an important tool. It's something that we, I would strongly encourage all of you to support and with that I would be happy to take questions. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise strongly against this amendment because it does not solve the problem. This is truly a question of whether or not you're going to vote to support businesses or not support businesses. That is what this amendment is about, ladies and gentlemen. Because if there is a winery, a winery, not a manufacturer, not a wholesaler, not a retailer. If there is a winery

in a state of which they don't have a relation, the two states don't have a relationship, we're telling them we're not going to let them ship here. Is that pro-business? Hell, no. This is a case specifically where we're saying the only people that can do business are those that the government has a relationship with first. Is that the free market? Is that how we respect our little wineries around America? Just because the state of New Hampshire may or may not have a relationship with any one of the other forty-nine states, that by itself is going to drive whether or not someone can do business with them. Now the President reminded me earlier today that I had raised a question about when is the state of New Hampshire going to get into the direct shipping business. And he said, they've already started. The Liquor Commission, without approval that I remember in the Legislature, is already on the path to be a direct shipper. So, I come back to this basic question. Are you going to support the state of New Hampshire being a direct shipper where it wants to, but not little companies because their state isn't helping them make a relationship? In addition, there is nothing in this amendment that stops the practice that is happening right now. We know nearly fifty little wineries around America, fifty of them, have had their licenses rejected. The state of New Hampshire has not renewed them. There is nothing in this bill that is going to help them. There is nothing in this amendment that is going to give them their license to ship to people in New Hampshire back. Unless of course, the two states have some sort of an arrangement. Senators, this isn't how America's supposed to be doing business. Free market, free enterprise, we've always been kind of supporting these industries. So, I'd ask you to vote down the amendment. Thank you, Mister President.

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

SENATOR CARSON: Thank you, Senator for taking my question. Is your amendment a benefit to the small wine growers here in New Hampshire? Because the way that I read this, this is going to allow them because we will have these reciprocal relationships, they will be able to sell in these other states that we have these agreements with. So, do you see this again as a benefit to the small New Hampshire wineries, nano breweries, all these other entities that would fall under this?

SENATOR SOUCY: Thank you very much for the question, Senator. Yes, I do. The idea is to protect New Hampshire industries, recognizing that we are a control state, that our department is charged with raising revenue, we want to raise revenue, particularly of those businesses within our state that create jobs, that pay taxes, that help our economy thrive. So yes, that's what it would do. Thank you.

SENATOR CARSON: Thank you very much.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I am, I support this amendment because we have to do something. As the Senator from District 9 knows, I agree that a problem has been identified, that it is having an impact on shippers and I had wanted in our discussion yesterday to get some sense of what the financial impact was to see if it actually was significant and I thank you for the reassurances on that. And then I also was concerned that we'd be able to pass something out of this body which could have enough support from the commission that we get it through the House. Because I was concerned as it was presented to us before, we couldn't get to the House, and what's the point in this exercise. I think what's important in terms of the objection that was raised

from the Senator from District 9 that we look at the amendment on line 13 where it says the commission may deny a direct shipper permit if we don't have reciprocal agreement. I think what is in here is we want the reciprocal agreements. We want to help the New Hampshire wine growers as well as the folks from out of state who want to ship in here. But I think the message from here is very clear in that word "may." It doesn't say "shall". It doesn't say if you don't have the direct, then deny them all. And I think the message from us today should be that we don't want capricious denial of these shipping arrangements unless there is some dominant reason for it. So, that word "may" means, and I say this because I want it to be on our record that we expect the Liquor Commission to stop this blanket disapproval. Thank you, Mister President.

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

SENATOR FRENCH: Thank you, Senator, for taking my questions. Could you tell me how many states do we have reciprocal agreements with and what form that agreement would take?

SENATOR SOUCY: I can't tell you the exact number. I didn't gather that information prior to today, but I'd be happy to get it to you. My understanding is that the commission, acting on behalf of the state, would engage with whatever regulatory entity exists in another state.

SENATOR FRENCH: Are there any states we have reciprocal agreements with at this time?

SENATOR SOUCY: My understanding is that there is.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: You know I wish we were going to do that for pints and growlers, but maybe wine, we'll take care of. 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.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. When we did the, we voted down the committee amendment, we also inadvertently voted down the suspension of liquor revenue. So, there's an amendment coming, I understand. So right now, if it's appropriate knowing that we would take it off the Table, maybe move to Table.

Senator Feltes moved to Lay on the Table HB 1626-FN. Adopted.

PRESIDENT MORSE: We're going to limp along, but it's going to be difficult.

HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services. Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance

April 25, 2018

2018-1781s

08/03

Amendment to HB 1743-FN

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

AN ACT relative to funding for the Sununu youth services center and relative to positions at the department of health and human services.

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

1 Appropriation; Department of Health and Human Services; Sununu Youth Services Center. In addition to any other sums appropriated to accounting unit 05-95-42-421510-7916, the sum of \$3,600,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purpose of funding rehabilitation programs and other operational costs of the Sununu youth services center. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Department of Health and Human Services; Unfunded Positions. Amend 2017, 156:183 to read as follows:

156:183 Department of Health and Human Services; Unfunded Positions; Authorization. Notwithstanding any other provision of law to the contrary, the department of health and human services~~[with prior approval of the fiscal committee of the general court,]~~ may fill unfunded positions during the biennium ending June 30, 2019, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services.

3 New Paragraph; Commissioner; Report to Fiscal Committee of the General Court. Amend RSA 621:12 by inserting after paragraph II the following new paragraph:

III. The commissioner shall provide a monthly report to the fiscal committee of the general court the average daily census and the estimated monthly cost per resident at the Sununu youth services center.

4 Repeal. RSA 2017, 156:168, II, relative to emergency funding for the operational costs of the Sununu youth services center, is repealed.

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

2018-1781s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of health and human services for funding rehabilitation programs and other operational costs of the Sununu youth services center.

II. Allows the department of health and human services to fill certain unfunded positions.

III. Requires the commissioner of the department of health and human services to give a monthly report to the fiscal committee of the general court regarding the census and estimated monthly cost per resident at the Sununu youth services center.

IV. Repeals a provision relative to emergency funding for the operational costs of the Sununu youth services center.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1743 Ought to Pass with Amendment. This bill allows the Department of Health and Human Services to fill certain unfunded positions. It repeals a provision relative to emergency funding for the operational cost of the Sununu Youth Services Center. House Bill 1743 also requires the Commissioner of HHS to give a monthly report to the Fiscal Committee of

the General Court regarding the census and estimated monthly cost per resident at the Sununu Youth Services Center. The committee amended the bill by making an appropriation in the sum of \$3.6 million for the fiscal year ending June 30, 2019 to the department for funding rehabilitation programs and other operational costs of the Sununu Youth Services Center. The Governor's Office is authorized to draw a warrant for said sum out of any money in the Treasury not otherwise appropriated. The Senate Finance Committee recommends passage of HB 1743 as amended and asks for your support. Thank you, Mister President.

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

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

HEALTH AND HUMAN SERVICES

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

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

SENATOR AVARD: Thank you, Mister President. I move House Bill, I move House Bill 1476 Interim Study. This bill sought to allow those currently in the medical marijuana program to grow their own marijuana for therapeutic use. The committee was concerned that the bill had too many unanswered questions at this time to move forward. A motion of interim study will allow stakeholders to be able address possible concerns facing the bill. The Health and Human Services Committee asks for your support in the motion of Interim Study on House Bill 1476. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in opposition to the motion of Interim Study. I'm one of the two who voted against it in committee. We have already supported medical cannabis and we currently have more than 5,500 residents in this state who are in the program of medical cannabis. We still haven't found a way however to provide some of the medications to some of the people who are most in need. We, we have increased the number of, of dispensaries, but we need more. And those with disabilities often cannot get to the dispensaries we do have. Once they do get there, if they get someone to drive them there and spend a couple hours in the, the car, they can't afford it because it's costing approximately 3 to \$400 an ounce. This bill was put forward in order to help a relatively limited number of people who are in the 5,500 people with cards who are actually disabled and unable to get there. And many of them came to talk to us. In fact, we had only two different groups who came to talk against the bill. Most of the people who were there spoke in favor of it. It's – we didn't leave an option as we were making medical marijuana legal to purchase cannabis if you are economically struggling and unable to buy it yourself. So, being able to grow your own cannabis, and we're talking about two plants in your own home, can greatly improve the lives of those people who can't afford it or can't get to the dispensaries. And we all know there's no mechanism for insurance to cover this cannabis. It also would have to take place – the growing would also have to be done outside of public viewing area by qualifying patients.

We heard a lot of testimony and I'm just going to go through a little bit of it because I too am hot and ready to go home. We heard from a man named Chris who was paralyzed from the waist down and, I'm sorry a woman named Chris who was paralyzed from the waist down, and medi-

cal cannabis allows her to be able to live a normal life. Cannabis has also, and we heard this from many people, allowed her to stay off of opioids, and this also, if she could, could grow it, she could afford it. People are saying that they're – another woman came, her son has epilepsy. It turns out that medical cannabis helps significantly with her son who can live a much better life, but it's very expensive for them because they have to get it regularly and it's far from their home and very expensive. The way the seedlings work, you can have two plants and twelve seedlings. The seedlings are, excuse me, are usually cut from plants you already have and, and you're generally lucky if two or three of them grow into full plants, which is why they have the seedlings. And many people stated that home cultivation is the missing link for patients that benefit from the program. There are some questions about whether it led to a black market, and although the, the department of the therapeutic cannabis program said they were neutral on the bill, they actually said that it's very unlikely that this would lead to a black market. And another question was saying that right now there are 5,500 people who are in the program, if we were to allow people to grow their own, how would that affect the price of those who are going to the dispensaries. And in fact, recently as the numbers have risen quickly since it became legal, people have been able to bring the prices down a little bit. But that really is not a legitimate concern according to those people who seem to know what they're talking about. So, I request that you vote no on Interim Study, so that another motion can be made at this critical time in the middle of our opioid crisis. Thank you.

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

SENATOR GANNON: So, my fear would be that children, you're talking paralyzed people and they're going to have, how do you know that the pot is going to be protected from children's access? I'm very fearful as we are in a society with a growing, not shrinking drug use of our children, that they're going to have access to this and it's not going to be contained properly. How you, can you give me some assurance that it won't be available for the children?

SENATOR HENNESSEY: Well, I can tell you that the people who are in charge of this program, and in charge of the medical marijuana program, have those things to figured out in general. And I think, you know, the truth is that it's not very different than growing a lot of other things that if a child gets into them. I mean, if my dog gets into a poinsettia, it's going to kill my dog too. So, it's my responsibility with plants that can be poisonous.

SENATOR GANNON: So, what you've just said is that you can't give me any assurance that the youth of New Hampshire won't have more access to this drug.

SENATOR HENNESSEY: I can't give you any more assurance of that than I can that my dog won't be poisoned by a poinsettia.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise with a little bit of experience and a little bit of history of home-grown cannabis in Maine. In Maine, the original program for therapeutic cannabis was grow your own. So, since 1999, Maine has had, allowed people to grow their

own plants of cannabis limited to six plants per patient and thirty-six plants for the six people that each caregiver's allowed to provide for. My new police chief in Deerfield was the police chief of Orono, Maine, home of the University of Maine. Some people suspect that many children in college might use cannabis for recreational purposes. So, I asked him, well, how did you deal with this potential horror, and he said, it's a non-event. He said there's not a police chief in Maine that's worried about home-grown cannabis. Never was and we're coming up on twenty years for that program in Maine and it's successful and it works and we're still waiting for the first overdose death from cannabis. So, I would encourage the body to overturn the motion, so that we may come up with an alternative motion.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The black market already exists. You can go down any street in this state in any town in this state and you can buy marijuana walking down the street. It's already there, okay? This is a question about medical marijuana and I've always supported the use of it. I will likely do the same here. Because again, we're dealing with people who are in difficult circumstances, remote and paying just exorbitant prices, okay? The concern that I have might be towards the quality. I have no idea how you would guarantee quality, that might be controlled, that is my concern, but at this point in time I'll be speaking in favor. Thank you, Mister President.

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

SENATOR CARSON: Thank you for taking my question. Can you tell me where these patients are going to get these plants?

SENATOR HENNESSEY: Well, it sounded from the people who came to testify that a number of them would probably be getting them from the dispensary, but once you get one, like once you get seedlings, you do it yourself. You are in charge of them.

SENATOR CARSON: So, you're telling us that not only are the dispensaries going to be selling the product, but now they're going to be selling plants as well?

SENATOR HENNESSEY: Well, I am not an expert on that piece of it, but that was what the testimony sounded like. And maybe somebody else can answer that question. But I believe that once you get seedlings from then on, you take cuttings like you do of other plants and you make your own, so you know what your –

SENATOR CARSON: Okay. Thank you very much, Mister President.

SENATOR HENNESSEY: Or seeds, which ever it is, but no I think cuttings too because you put them in water and then you can transfer them.

SENATOR CARSON: I don't know much about them, but the good Senator from District 4 going no, no, no.

SENATOR HENNESSEY: But that – well, apparently, he knows, but that is what they testified.

SENATOR CARSON: Okay. Sometimes you get answers you don't want to know. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I too rise in opposition to the committee position. I too voted against that

position in committee and I'm here to remind us that one of the important uses for therapeutic cannabis has been for those patients who are suffering from opioid addiction. And to remind you that it has been proven to be a great source of, of success in treating those individuals and given that we have the opiate crisis that we have in this state, why would we not want to make it easier for those individuals to be able to have access to these plants that they can afford and then use to treat themselves. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to the, the recommendation here and to just draw our attention to the, here in the Live Free or Die state, we cannot allow people to grow what they can legally possess. Does that make any sense to any of you? The prohibitionists are always going to be complicated; it's always going to be confused. This is a simple, simple. Now I can understand if you think marijuana ought to be outlawed and you think nobody should smoke it, nobody should touch it, nobody should live near it, and that's fine, but let's not make another smokescreen, Senator Bradley, about these issues that have nothing to – this is simple. We are so behind the curve on this here. All around us marijuana is going to be legal, even in Canada, and the, the times are changing and we need to get with it. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would like to speak and I also have a question. Mister President, I think that there is holes in this and I can understand why the committee voted to Interim Study because I do believe we need additional study. There is a question of how are these people going to get these plants. You can't just buy anything off the street because this is supposed to be medicine. Medicine with very different types that are specific to different conditions, so buying generic pot off the street is not supposed to really work too well. So again, I have a lot of questions about this. I'm going to support the Interim Study and Mister President, my question is to you, if I may ask you a question. Since you, Mister President, since you are the resident expert here on growing things, do you have, and you own a very, a nursery that many of us go to, do you have anything you would like to tell us about this at all?

PRESIDENT MORSE: Senator Carson's done.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. The Health and Human Services Committee heard a lot of testimony, both pro and con and I think you can make good arguments for and also good arguments against. And I think that we have to look back to the compromises that we've made on marijuana policy over the last several years. I've supported medical marijuana. I've supported expanding the conditions and the symptoms that our friend from Deerfield has correctly brought in front of this body to expand access to the therapeutic uses of marijuana. I've supported decriminalization. I would agree with my friend that the times are changing, but we also heard significant amount of testimony from law enforcement and the opening up of grow your own without the proper controls is a significant issue in the way that they go about doing their job. Our friend from Keene helped expand, along with our friend from Londonderry, two new access points. I would like to think that the reason for these continued amendments on grow your own is a price point. And I would like to hope that as we've expanded the number of people that are eligible for mari-

juana and expanded the number of access points that the price will fall because there's more demand because there are more medical conditions treated and it will be easier to get to it, as opposed to having to travel long distances. So, because of the concern of law enforcement and others, I would urge the body to stay with the motion for Interim Study and let's get on to the next bill. Thank you, Mister President.

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

SENATOR AVARD: Thank you, Senator, for taking my question. And first of all, I want to echo the sentiments of my colleague from District 3. Just a few questions because I too also supported medical marijuana and the expanding of ATCs. But with regards to the chiefs of police, in your testimony, in your statements, you didn't recognize them, and I do recall them being there. Do you recall them and they're in opposition to this bill?

SENATOR HENNESSEY: I did not get their names, but there were two groups that testify – the only people I had as testifying and signing in against it are New Futures, who also were against medical marijuana, and the, the chiefs of police. Yes, the president of the chiefs of police.

SENATOR AVARD: To the best of my knowledge, Senator Shaheen, Senator Hassan, Representative Kuster and Porter have not filed legislation to change this from a schedule 1 drug. Is that correct?

SENATOR HENNESSEY: I have no idea. I – That, that honestly doesn't affect my choice. My decision.

SENATOR AVARD: But it still makes it a federal crime?

SENATOR HENNESSEY: Well, whether they have filed or not, it makes, makes it a federal crime, that's right. So is medical marijuana in general.

SENATOR AVARD: I understand that under this bill, not only would you be able to grow your own, but you'll also be able to share that with another person who grows their own.

SENATOR HENNESSEY: Mmm-hmm. If he has a card, yes.

SENATOR AVARD: Do you, do you know of anybody else that can share a controlled substance with another person who has a prescription?

SENATOR HENNESSEY: I actually don't know anybody who has a prescription, so I can't, I can't really answer that question. I'm not sure what you're –

SENATOR AVARD: To clarify, if you need clarify. In other words, if there's any other controlled drug that you need a prescription, do you know of any controlled drug, doesn't matter which one, that you're allowed to share that prescription with another individual?

SENATOR HENNESSEY: No, in fact, I see what you're saying. This is actually, I happen to work with a lot of kids who had Adderall in college let's say, or any of the other stimulant medications, and would you believe that 75 percent of the people who are using Adderall were not prescribed the Adderall because it's not regulated in any way. Whereas, in this case, you can only be sharing it with somebody who already has gone through the whole screening process and is legally allowed to have medical, medical marijuana, and you know again, I have to ask you, if I'm growing tomatoes, I'm obviously allowed to share them with somebody. If I'm growing something that's a controlled substance, I'm allowed to, if that other person is also, has also been screened and allowed to have that. And by the way, I can keep regrowing them.

SENATOR AVARD: In that vein of thought then, if I have an opioid prescription, am I allowed to share that with another person who has an opioid prescription?

SENATOR HENNESSEY: I would say of course not, no. But if that other, if we had it in law that you could, then yes you could.

SENATOR AVARD: We're allowed twelve seeds?

SENATOR HENNESSEY: Correct, seedlings.

SENATOR AVARD: Seedlings.

SENATOR HENNESSEY: Those are the things that grow from the seeds.

SENATOR AVARD: Senator, I've seen these plants when they're full grown.

SENATOR HENNESSEY: You have?

SENATOR AVARD: Oh yeah, I've seen them. I've seen pictures, I've watched Cheech and Chong. I've seen Cheech and Chong's "Up In Smoke" and there's a lot more than twelve seeds on a plant. What is the protocol, procedures for disposing of the unwanted seeds?

SENATOR HENNESSEY: You know, you are definitely getting into the weeds, but nonetheless, we heard lots of testimony that in fact the dispensaries would assist with helping people figure out how to grow it, providing seedlings, setting up rules and regulations around, around what you do with the extra seeds. You are essentially on your honor to only let two grow into plants. Now speaking of the federal illegality, is it by any chance federally illegal for you to carry a gun into a school building.

SENATOR AVARD: Yes, it is. Unless you have a permit.

Senator Birdsell moved to call the question. Adopted.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, Gannon, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, French, Kahn, Cavanaugh, Reagan, D'Allesandro, Fuller Clark, Innis.

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

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

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

Health and Human Services

April 25, 2018

2018-1772s

05/10

Amendment to HB 1562

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

AN ACT relative to collaboration between the department of health and human services and foster parents and relative to the disposition of interests in condominium units.

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

1 New Subdivision; Foster Parents. Amend RSA 170-E by inserting after section 50 the following new subdivision:

Foster Parents

170-E:51 Collaboration Between the Department of Health and Human Services and Foster Parents. The general court finds that foster parents providing care for children who are in the custody of the department of health and human services play an integral, indispensable, and vital role in the department's effort to care for dependent children displaced from their homes. The general court further finds that it is in the best interest of the department of health and human services to acknowledge foster parents as active and participating members of this system and to support them through the following foster parent rights, as primary caregivers for children in the care and custody of the state of New Hampshire.

170-E:52 Foster Parents. When a child is placed in a foster home pursuant to a juvenile court order:

I. The foster parent shall be treated with consideration and respect.

II. The department of health and human services shall consult with the foster parent prior to the release of the foster parent's address, phone number, or other personally identifying information to the child's parent or guardian.

III. The department of health and human services shall make a representative of the department available 24 hours a day, 7 days a week, for the purpose of aiding the foster parent in caring for the acute needs of the foster child.

IV. The foster parent shall be given timely notice of scheduled meetings and appointments involving the foster child. The foster parent shall:

(a) Be provided with a written copy of information pertinent to the care of the child.

(b) Receive reasonable notice of any changes to the case plan.

(c) Be apprised of the number of times the child has moved from one foster home to another and, as appropriate, the reasons therefor.

(d) Have the ability to request a team meeting to address concerns specific to the child, including participation in development of the child's permanency plan.

V. The foster parent shall be given reasonable notice of any plan to remove a child from the foster home. The notice shall include the reason for the change or termination in placement, provided there is no concern for the safety and welfare of the child.

VI. Pursuant to RSA 169-C:14, the foster parent shall receive notice of all court proceedings, may submit written reports, and, at the court's discretion, may attend such hearings and provide oral reports of the child's behavior, progress, and developmental, educational, and healthcare needs.

2 New Paragraph; Condominium Act; Limitations on Dispositions of Units. Amend RSA 356-B:50 by inserting after paragraph IV the following new paragraph:

V. No unit owner, or owner of a time sharing interest as defined in RSA 356-B:3, XXVIII, shall convey his or her interest in a condominium unit to the condominium unit owners' association without the acceptance of the deed by the condominium board of directors or its managing agent prior to the recordation thereof in the county registry of deeds.

3 Effective Date. This act shall take effect 60 days after its passage.
2018-1772s

AMENDED ANALYSIS

This bill provides for collaboration between the department of health and human services and foster parents, requires the department to provide foster parents with certain information, and enables foster parents to participate in meetings and court hearings for a child in their care.

The bill also requires the acceptance by the condominium board of directors or its managing agent prior to the conveying and recording of a deed transferring a condominium interest to the unit owners' association.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1562 Ought to Pass with Amendment. This bill seeks to increase the collaboration between DCYF and foster parents. Foster parents providing care for children, who are in the custody of the Department of Health and Human Services, play an integral, indispensable, and vital role in the department's effort to care for the dependent children displaced from their homes. These changes will lead to stronger relationships between the department and foster parents in our state. Now here's a gear shift because we have an amendment to this bill and this, the amendment contained in the bill had a public hearing dealing with the disposition of interests in condominiums. How that got on this bill? I'm not sure. It must have been there. A problem is occurring where people are walking away from the interests of their condos and forcing the association to accept the deeds back. So, this amendment would allow someone to convey his or her interest in a condominium units to the condominium unit owners' association without accepting the deed by the condominium board of directors. The Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1562. 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.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.: Refer to Interim Study. Adopted.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Gray, Ward, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, Gannon, Morse.

The following Senators voted No: Hennessey, French, Sanborn, Kahn, Reagan, D'Allesandro, Fuller Clark, Innis.

Roll Call, Yeas: 16 - Nays: 8. Adopted.

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

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

Health and Human Services

April 18, 2018

2018-1637s

01/04

Amendment to HB 1791-FN

Amend RSA 420-J:8, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. No contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall contain a provision prohibit-

ing divulgence to a covered person or the insurance department relative to monetary matters which would prove beneficial in lowering costs to such covered person.

2018-1637s

AMENDED ANALYSIS

This bill declares that a contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall not contain a provision prohibiting the pharmacist from providing certain information to an insured or the insurance department.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1791 Ought to Pass with Amendment. This bill addresses the issue of the “gag clause” in contracts between pharmacy benefit managers or health carriers and pharmacists. The committee amendment adopts the language prohibiting gag clauses in such provider contracts. The language was supported by stakeholders, including pharmacists, pharmacy benefit managers, health carriers, customers, advocates and the Department of Insurance. This will allow pharmacists to give information on monetary matters that could help lower the costs for consumers. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1791. Thank you, Mister President.

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

Sen. Bradley, Dist 3

Sen. Innis, Dist 24

May 2, 2018

2018-1875s

01/10

Floor Amendment to HB 1791-FN

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

AN ACT allowing pharmacists to disclose information relative to lower cost drugs under the managed care law and relative to biological products dispensed by pharmacists.

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

2 Prescription Labels. Amend RSA 318:47-a to read as follows:

318:47-a Prescription Labels. Whenever a pharmacist dispenses a non-controlled drug pursuant to a prescription, he *or she* shall affix to the container in which such drug is dispensed a label showing at least the name and address of the pharmacy and the name or initials of the dispensing pharmacist or pharmacist-in-charge; the prescription identification number assigned by the pharmacy; the date dispensed; any directions as may be stated on the prescription; the name of the prescribing practitioner; the name of the patient; all pertinent auxiliary labels; and, unless otherwise indicated by the prescribing physician, dentist, veterinarian, or advanced practice registered nurse, the name, strength, and quantity of the drug dispensed. All drugs dispensed to a patient that have been filled using a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmaceutical care activities. ***A biological product, as defined in RSA 318:47-dd, I, shall also be labeled as provided in***

RSA 318:47-dd, VII. No person shall alter, deface, or remove any label so affixed. A compounded drug product shall also be labeled as provided in RSA 318:14-a, II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include the phrase “compounded per subscriber request” or a similar statement on the prescription label or through the use of an auxiliary label attached to the prescription container.

3 Substituting Generic Drugs. Amend RSA 318:47-d to read as follows:

318:47-d Pharmacies; Substituting Generic Drugs. Pharmacies, including mail-order pharmacies, may substitute generically equivalent drug products for all legend and non-legend prescriptions unless the prescribing practitioner handwrites “medically necessary” on each paper prescription, or uses electronic indications when transmitted electronically, or gives instructions when transmitted orally that the brand name drug product is medically necessary. ***In this section, “drug product” does not include a biological product.***

4 New Section; Substituting Biological Products. Amend RSA 318 by inserting after section 47-d the following new section:

318:47-dd Pharmacies; Substituting Biological Products.

I. In this section:

(a) “Biological product” means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein (except any chemically synthesized polypeptide), or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.

(b) “Proper name” means the nonproprietary name for a biological product designated by the federal Food and Drug Administration license for use upon each package of the product.

(c) “Interchangeable biological product” means a biological product that the federal Food and Drug Administration:

(1) Has licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C. section 262(k)(4); or

(2) Has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration’s Approved Drug Products with Therapeutic Equivalence Evaluations.

II. The board shall maintain a link on its website to the federal Food and Drug Administration’s Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations.

III. A pharmacist may substitute a biological product pursuant to this section only if it has been licensed by the federal Food and Drug Administration as an interchangeable biological product for the prescribed biological product.

IV. When a pharmacist dispenses an interchangeable biological product for the prescribed biological product, the pharmacist or his or her designee shall inform the patient.

V. A pharmacist shall not substitute an interchangeable biological product pursuant to this section if the prescriber indicates that substitution is not authorized by specifying on the prescription “medically necessary” on a paper prescription, or uses electronic indications when transmitted electronically, or gives instructions when transmitted orally that the biological product prescribed is medically necessary.

VI.(a) Within 3 business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

- (1) An interoperable electronic medical records system;
- (2) An electronic prescribing technology; or
- (3) A pharmacy benefit management system; or
- (4) A pharmacy record.

(b) Entry into an electronic records system as described in this paragraph is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, provided that the communication shall not be required where:

- (1) There is no federal Food and Drug Administration-approved interchangeable biological product for the biological product prescribed; or
- (2) A refill prescription is not changed from product dispensed on the prior filling of the prescription.

VII. The label of all biological products dispensed by a pharmacist shall include the proper name and the name of the manufacturer of the product.

5 New Section; Physicians and Surgeons; Annual Education Program. Amend RSA 329 by inserting after section 9-f the following new section: 329:9-g Annual Education Program. The board, in conjunction with the New Hampshire Medical Society and other prescribing and dispensing stakeholders, shall establish an annual education program that covers the prescribing of biosimilar and interchangeable biological products. Such program shall include a review of interchangeable biological products approved by the federal Food and Drug Administration (FDA) including any evaluation information in determining interchangeability. The annual education program shall be implemented by December 31, 2018 or prior to the first interchangeable biological product being approved by the FDA.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2019.

2018-1875s

AMENDED ANALYSIS

This bill declares that a contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall not contain a provision prohibiting the pharmacist from providing certain information to an insured or the insurance department.

This bill also establishes requirements for dispensing and substituting biological products by pharmacists and establishes an annual education program relative to biological products.

SENATOR BRADLEY: If you recall maybe a month or so ago, we passed our colleague from Newcastle's bill, Senate Bill 350, dealing with biologics and FDA approval, a new category of drugs. There was a lot of confusion about this bill when it got to the House, and they did not choose to move forward with it. I've worked with the proponents of this bill who have worked with House members and what you see is our colleague

from Newcastle's bill with just a couple of changes and let me walk you through the changes. And the changes, normally we just do the Senate version, but by doing it this way, it hopefully will avoid a committee of conference. On line 23 of page 2, roman III, the wording had been "a pharmacist shall substitute", this changes it to "may." That aligns biologics with the generics law. In several places, in particular starting on line 33, it had been "within five business days following the dispensing of a biological product the pharmacist shall make the entry", this is "three" days and I think that is subsequent in another place of the bill. And lastly, section 5 is a new section that talks about an annual education program administered by the Board of Medicine in consultation with the Medical Society on dispensing. The Medical Society was the entity that had some problems with the bill and testified to that impact at the hearing in the House. I am told by the proponents of the bill who negotiated this with the Medical Society, that they are fine with these changes from the original version of Senate Bill 350 and will advocate for concurrence when it gets back to the House. So, Mister President, I would ask for adoption of Floor Amendment 1875.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

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

HB 1809-FN, relative to balance billing under the managed care law. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services

April 18, 2018

2018-1638s

01/03

Amendment to HB 1809-FN

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

AN ACT relative to balance billing under the managed care law and relative to coverage for emergency services.

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

1 New Section; Prohibition on Balance Billing; Payment for Reasonable Value of Services. Amend RSA 329 by inserting after section 31-a the following new section:

329:31-b Prohibition on Balance Billing; Payment for Reasonable Value of Services.

I. When a commercially insured patient is covered by a managed care plan as defined under RSA 420-J:3, XXV, a health care provider performing anesthesiology, radiology, emergency medicine, or pathology

services shall not balance bill the patient for fees or amounts other than copayments, deductibles, or coinsurance, if the service is performed in a hospital or ambulatory surgical center that is in-network under the patient's health insurance plan. This prohibition shall apply whether or not the health care provider is contracted with the patient's insurance carrier.

II. Pursuant to paragraph I, fees for health care services submitted to an insurance carrier for payment shall be limited to a commercially reasonable value, based on payments for similar services from New Hampshire insurance carriers to New Hampshire health care providers.

III. In the event of a dispute between a provider and an insurance carrier relative to the reasonable value of a service under this section, the insurance commissioner shall have exclusive jurisdiction under RSA 420-J:8-e to determine if the fee is commercially reasonable. The provider and the insurance carrier shall each make best efforts to resolve any dispute prior to applying to the insurance commissioner for resolution, which shall include presenting to the other party evidence supporting its contention that the fee level it is proposing is commercially reasonable. The department of insurance may require the parties to engage in mediation prior to rendering a decision.

2 New Section; Reasonable Value of Health Care Services. Amend RSA 420-J by inserting after section 8-d the following new section:

420-J:8-e Reasonable Value of Health Care Services. In the event of a dispute between a health care provider and an insurance carrier relative to the reasonable value of a service under RSA 329:31-b, the commissioner shall have exclusive jurisdiction to determine if the fee is commercially reasonable. Either the provider or the insurance carrier may petition for a hearing under RSA 400-A:17. The petition shall include the appealing party's evidence and methodology for asserting that the fee is reasonable, and shall detail the efforts made by the parties to resolve the dispute prior to petitioning the commissioner for review. The department may require the parties to engage in mediation prior to rendering a decision.

3 New Subparagraph; Network Adequacy; Rulemaking. Amend RSA 420-J:7, II by inserting after subparagraph (d) the following new subparagraph:

(e) Standards for addressing in-network access to hospital based providers, such as anesthesiologists, radiologists, pathologists, and emergency medicine physicians.

4 New Paragraph; Network Adequacy; Report Required. Amend RSA 420-J:7 by inserting after paragraph IV the following new paragraph:

V. The commissioner shall provide a report annually on the findings associated with network adequacy review to the chairpersons of the house and senate committees having jurisdiction over insurance issues.

5 Coverage for Emergency Services; Definitions. Amend the introductory paragraph of RSA 417-F:1, I to read as follows:

I. "Emergency services" means health care services that are provided to an enrollee, insured, or subscriber in a licensed hospital emergency facility by a provider after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity ***that a prudent layperson with average knowledge of health and medicine could reasonably expect*** that the absence of immediate medical attention could be expected to result in any of the following:

6 Managed care Law; Emergency Medical Condition. RSA 420-J:3, XV is repealed and reenacted to read as follows:

XV. "Emergency medical condition" means the sudden and, at the time, unexpected onset of a health condition that requires immediate medical attention such that a prudent layperson with average knowledge of health and medicine could reasonably expect that failure to provide medical attention could result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or could place the person's health in serious jeopardy.

7 Managed Care Law; Emergency Services. Amend the introductory paragraph of RSA 420-J:3, XVI to read as follows:

XVI. "Emergency services" means health care services that are provided to an enrollee, insured, or subscriber in a licensed hospital emergency facility by a provider after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity ***that a prudent layperson with average knowledge of health and medicine could reasonably expect*** that the absence of immediate medical attention could [be expected to] result in any of the following:

8 Report. The insurance commissioner shall make a report on or before July 1, 2020 detailing the impact of RSA 329:31-b as inserted by section 1 of this act and RSA 420-J:8-e as inserted by section 2 of the act on health insurance premium rates to the chairpersons of the house and senate committees having jurisdiction over insurance issues.

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

2018-1638s

AMENDED ANALYSIS

This bill prohibits balance billing under the managed care law.

This bill also clarifies coverage for emergency services.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 1809 as Ought to Pass with Amendment. The bill prohibits balanced billing under the managed care law. Balanced billing is when a patient receives care at an "in-network" facility, in other words, covered by your insurance, and the patient expects that all services will be covered. But when a service is done by a physician or some other medical personnel that are not in the network, the patient can be stuck paying the difference. The balance of the bill. These costs can range from several hundred dollars to a lot more depending on what the service rendered was. House Bill 1809 protects the patient from these unexpected costs, while at the same time encouraging providers, insurers to collaborate on solutions to this problem. This is a necessary reform to the way health care functions in the state of New Hampshire. I would just add that through the process of the amendment in the HHS Committee, a wide array of interests from the hospitals, the Medical Society, insurers and advocacy groups came together to support this amendment, so the Health and Human Services Committee asks for your support for the motion of Ought to Pass. 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.

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

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

The following Senators voted No: (None)

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

HB 1816-FN, relative to Medicaid managed care.

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

Health and Human Services

April 25, 2018

2018-1770s

01/04

Amendment to HB 1816-FN

Amend the bill by replacing section 1 with the following:

1 New Subparagraphs; Medicaid Managed Care Program; Waiver; Eligibility; Medical Loss Ratio. Amend RSA 126-A:5, XIX by inserting after subparagraph (g) the following new subparagraphs:

(h) The commissioner shall develop and implement enhanced eligibility screening to stop per member/per month payments to managed care organizations in a timely manner for services for persons who are no longer eligible.

(i) Notwithstanding RSA 126-A:5, XIX(a) and 2017, 258:1, long-term supports and services, including, specifically nursing facility services and services provided under the choices for independence waiver, the developmental disabilities waiver, the in-home supports waiver, and the acquired brain disorder waiver, as those waivers are issued by the Centers for Medicare and Medicaid Services under 42 U.S.C. section 1396(c), shall not be incorporated into the department's care management program for delivery by a managed care organization, as defined in RSA 126-A:5, XIX (c)(3), under contract with the state. The department may develop a plan to offer on a voluntary basis only county or other locally-based Programs of the All Inclusive Care for the Elderly (PACE) or similar accountable care organizations (ACO) models to provide on a non-fee-for-service basis nursing facility and choices for independence home care services for beneficiaries who voluntarily elect to participate. Any such plan for voluntary PACE and/or ACO models shall be approved by the oversight committee on health and human services, established in RSA 126-A:13, and the fiscal committees of the general court prior to implementation.

2018-1770s

AMENDED ANALYSIS

This bill declares that the remaining unimplemented phases of step 2 of the program shall not be incorporated into the department of health and human services' care management program for delivery by a managed care organization. This bill also requires the commissioner of the department of health and human services to implement enhanced eligibility screening.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1816 Ought to Pass with Amendment. This bill declares that the remaining unimplemented phase of step 2 of the Medicaid Managed Care Program shall not be incorporated into the Department of Health and Human Services' Care Management Program for delivery by the managed care organizations. This bill would allow the department to develop a program to offer county or other locally based Programs of All Inclusive Care for the Elderly

(PACE) or similarly Accountability Care Organizations (ACO) models to provide on a non-fee-for-service basis, nursing facilities and choices for independent home care services for beneficiaries who voluntarily elect to participate. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1816. Thank you, Mister President.

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

SENATOR KAHN: Thank you for taking my question. So, county governments that administer nursing homes have had a lot of concerns about this and I, I just want to make sure that I've got this right. That it's voluntary on their part to enter into an ACO or maintain their current fee for service model?

SENATOR AVARD: I believe that is my understanding.

SENATOR KAHN: If, and if, if there's, should I ask that question if somebody else could answer that, would you direct that question?

SENATOR AVARD: Absolutely. Senator Bradley's right next to me here.

SENATOR KAHN: Thank you.

SENATOR BRADLEY: Senator, do you have the amendment in front of you?

SENATOR KAHN: I do. Page 28 and 29.

SENATOR BRADLEY: The amendment is Amendment 1770 on House Bill 1816. If you look about midway through section I, non-withstanding RSA, I'll just read it for you. The department may develop a plan to offer on a voluntary basis only county or other locally based Programs for the All Inclusive Care for the Elderly (PACE) or similar accountable care organizations. You're a professor. If that doesn't say voluntary, nothing says voluntary. Thank you.

SENATOR KAHN: Thank you.

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

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

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

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

The following Senators voted No: (None)

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

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

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

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1822-FN as Ought to Pass. This bill allows pharmacists to dispense hormonal contraceptives in accordance with a standing order entered into by health care providers. Access to birth control is an important issue that is facing the state of New Hampshire. Women should have the ability to access health, affordable hormonal contraceptives, so that they can make informed choices about their bodies. House Bill 1822-FN allows people to purchase birth control over the counter after consultation with a physician or advanced practice registered nurse. This bill

is a result of a year-long study commission that examined this issue in depth. The Health and Human Services Committee asks for your support in the motion of Ought to Pass on House Bill 1822-FN. Thank you. The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order HB 2018 to after the bills that were removed from the Consent Calendar. Adopted.

WAYS AND MEANS

HB 1819-FN, relative to administration of the education tax credit. Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1819 Ought to Pass. This bill makes various changes to the administration applications of awards and credits issued under the education tax credit program. This bill changes the program year from the calendar year to the fiscal year and amends the due date for reports to align with the fiscal year as well. This bill also allows a 1 million carry forward for the taxpayer for up to five years and adjusts the average daily membership to help better support local school districts. The Ways and Means Committee asks for your support of the motion of Ought to Pass. Thank you.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
May 3, 2018
2018-1901s
03/10

Floor Amendment to HB 1819-FN

Amend the bill by replacing section 17 with the following:

17 Effective Date.

- I. Section 9 of this act shall take effect July 1, 2018, at 12:01 a.m.
- II. The remainder of this act shall take effect July 1, 2018.

SENATOR BRADLEY: Thank you very much. This just changes the effective date. Thank you, Mister President.

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

SENATOR SANBORN: Thank you, Mister President. I apologize I wasn't prepared for this. I have just a question. I don't have the bill in front of me, my computer's down. What is the effective date today on section 9 and what are you changing it to?

SENATOR BRADLEY: Thank you. Hang on.

SENATOR SANBORN: And my apologies, I just caught a little off guard.

SENATOR BRADLEY: I believe this just changes the effective date on section 9 to July 1 of 2018 and the remainder of the act also takes effect on July 1 of 2018. There must be a provision in here on passage somewhere, on sixty days at some point and that's why.

SENATOR SANBORN: Okay. Thank you.

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

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

REMOVED FROM THE CONSENT CALENDAR BILLS
ENERGY AND NATURAL RESOURCES

HB 1238, relative to animal cruelty involving an equine colt.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you. This bill is a housecleaning bill that eliminates certain outdated animal cruelty statutes. It also moves the colt cruelty provisions under the criminal code making its enforcement and penalties consistent with other sorts of negligent cruelty. And I ask for support for the motion of Ought to Pass.

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

HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.

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

Energy and Natural Resources

April 25, 2018

2018-1799s

10/01

Amendment to HB 1515

Amend the bill by replacing section 2 with the following:

2 Solid Waste Management; Permit Required. Amend RSA 149-M:9, XIV to read as follows:

XIV. ~~[Notwithstanding any provision of law or rule to the contrary,]~~
The department shall not certify as a waste-derived product the wood component of construction and demolition debris, or any mixture of or derivation therefrom, to be combusted in any manner, except ~~[that]:~~

(a) Methane gas collected from the decomposition of waste at a facility authorized pursuant to this chapter as a landfill for the disposal of solid waste may be certified as a waste-derived product for distribution and use as a fuel, provided that it meets market fuel standards;

(b) As allowed under RSA 125-C:10-c, II(d).

SENATOR AVARD: Thank you, Mister President. I move Ought to Pass on House Bill 1515. This bill enables legislation that removes regulatory barriers that prevent the use of clean wood extracted from construction and demolition debris in manufacturing of bio-fuels. This legislation will allow a solid waste to be converted into a fuel that can be distributed and used in New Hampshire, creating jobs and reducing the amount of waste placed in landfills. The debris from these sites will be processed in a manner no less stringent than the EPA requirements ensuring that contaminants like lead are removed to prevent a public health hazard. Thank you, Mister President.

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

Senator Woodburn offered a Floor Amendment.

Sen. Woodburn, Dist 1

May 2, 2018

2018-1883s

06/10

Floor Amendment to HB 1515

Amend RSA 125-C:10-c, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The combustion of bio-oil or bio-synthetic gas produced from the wood component of construction and demolition debris using non-combustion thermal or chemical processes including, but not limited to, pyrolysis or gasification. The non-combustion thermal or chemical processes proposed shall be subject to the review requirements of this chapter, RSA 125-I, and the administrative rules of the air resources division of the department of environmental services. The wood derived from construction and demolition debris shall be processed in a manner no less stringent than the requirements referenced in subparagraph (b).

SENATOR WOODBURN: Thank you, Mister President. I offer amendment 1883s to House Bill 1515. This is a technical change, which is supported by the Department of Environmental Services and removes the word "biodiesel" from the bill because the statutory definition of biodiesel, which is the same as the federal definition, states that biodiesel cannot be made from wood components of construction or demolition debris because by statute it's made from animal fats, vegetable oil and meets the requirement of the American Society for Testing Materials, specification D6751. This is a common sense technical change that will create New Hampshire jobs and provide more opportunities in the North Country. Thank you, Mister President.

Recess. Out of recess.

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 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

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

SENATOR INNIS: Thank you, Mister President. I move House Bill 1550 for Interim Study. This bill requires the cost of compliance with the state's Renewable Portfolio Standard to be included on customers' December bills along with a link to information about the state's Renewable Portfolio Standard. This bill also allows a utility to recover the costs of providing such information through a reduction in their purchase of renewable energy credits, or in making alternative compliance payments. The bill raised some unintended consequences and those effects should be reviewed more thoroughly. Please support the motion of Interim Study on House Bill 1550. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I rise and ask the body to overturn the motion of Interim Study. I think when the committee took this bill up, we had felt that House Bill 225 provided that level of transparency on the bill for the Renewable Portfolio Statute. In reviewing House Bill 225 and House Bill 1550, I believe that House Bill 1550 would do a better job of outlining that on the bill. If we overturn the committee report, I have a Floor Amendment that fixes a couple of technical issues. Thank you, Mister President.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
May 2, 2018
2018-1888s
10/06

Floor Amendment to HB 1550

Amend the bill by replacing section 1 with the following:

1 Electric Utilities; Annual Disclosure of Electric Service Energy Sources and Environmental Characteristics; Renewable Energy Standards; Billing. RSA 378:49, II(c) is repealed and reenacted to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the commission, including the commission's estimated cost on a per kilowatt-hour basis for compliance with the electric renewable portfolio standard under RSA 362-F. The estimated cost for the calendar year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the public utilities commission's website. The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

SENATOR BRADLEY: Thank you very much. The technical fixes are on lines 8 and 9, talking about the commission's PUC's estimated cost on a per kilowatt-hour basis. Has to be estimated because of the way renewable energy credits are reconciled at the end of the year, and you see that on line 10 and line 12. A change on line 13 is the linked information. Talks about the Renewable Portfolio Standard as well as its benefits and lastly, the change on line 13 through 15, makes it clear that utilities will be able to recover their costs through a distribution rate, which is the normal way of doing things as opposed to the way that the House sent the bill to us, which was a charge against renewable energy credits. So, I think with this amendment, it is feasible to put this kind of information on a one time per year bill in December to show the cost of renewable energy. And as our friend from District 12 always says, I actually think this is a good idea for both people that think that renewables are great and for those that don't. Because I think when people realize that it's about a 1.5 percent part of their bill that will be useful information for everybody to have. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Senator, for taking my question. The question is, it says the cost shall be recovered. How are those costs determined? Is there any safeguard over the utility companies, so that they can't be exorbitant in pricing that?

SENATOR BRADLEY: Well, the Public Utilities Commission has to review any cost of the distribution utility as they approve them in a rate case. So, the PUC would have control of those costs and what this does is make sure that there's a mechanism for the utility to actually recover those costs. I don't think they're going to be that significant and that was certainly the, excuse me, testimony that we heard, but this is a cleaner way to do it.

SENATOR GIUDA: Thank you for taking my question.

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.

JUDICIARY

HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

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

SENATOR CARSON: Thank you, Mister President. This bill would repeal the prohibitions on carrying a loaded firearm on an OHRV or a snowmobile. The committee believed the language needed further clarity and examination before it could move forward. Thank you very much.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the Interim Study motion and ask that you reject that, so I can bring forward a motion of Ought to Pass. This, this was a bill that was passed by the House. I talked to the sponsor at noontime, he had run the language by the AG who had no problem with it and I think it's a good policy to move forward, so I'd ask for your support to overturn Interim Study. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very – Thank you very much, Mister President. I think in deference to what my colleague from Senate 11, from District 11 has said, is really one reason why this bill was Interim Study. Because I was told that the attorney general had said that there was confusion about this that needed to get cleared up. So, we're hearing a variety of different things from different people. If you look at the hearing report, only one gun group came in in support of this. We've heard from other gun groups, or I should say, I have heard from other gun groups that have problems with this language. And I think we've always decided, we've had discussions about gun bills that we like to see the gun groups all pulling in the same direction. And I, I do think again that there is some confusion out there about this with a variety of different statutes and we just need the time, the committee needed the time to do, to clear them up. And unfortunately, we did not have the time to do that. That's why we Interim Studied the bill. Mister President, we, just yesterday, we concurred with the House on Senate Bill 500. The majority of the committee believed that Senate Bill 500 took care of this problem, but then we started hearing that no, it didn't. So again, there's just all this chatter out there with not one, one particular voice. And that is why we Interim Studied the bill. Thank you very much.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I, I rise to support the amendment of Interim Study. We've dealt, we've looked at this issue a number of times, even back when I was on Fish and Game in the House. So, I just thought, earlier this week I had the opportunity to talk to one of our lieutenants in Fish and Game. And I asked him about this, and he said well, you know, he has asked his colleagues in other states who have this kind of thing. And this is what he was told, that it's awfully common to see these vehicles in other states where they permit this with lots of bullet holes in the floor. And he related to me one incident where a hunter had been shot by his dog because there was a loaded weapon in the OHRV. So, I don't know, maybe we ought to keep the guns out of, of paws, I don't know, but I think we ought to pause on this bill and vote for Interim Study. Thank you, Mister President.

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

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

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

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

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

Senator Sanborn moved Ought to Pass.

Senator Carson moved to Lay on the Table HB 1313.

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

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

The following Senators voted No: Woodburn, Giuda, Bradley, French, Sanborn, Daniels, Avard, Birdsell, Innis, Morse.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1392, relative to tallies of votes on budget items or warrant articles. Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

Public and Municipal Affairs

April 26, 2018

2018-1802s

06/03

Amendment to HB 1392

Amend RSA 32:5, V-a as inserted by section 1 of the bill by replacing it with the following:

V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body, ***the elected budget committee, or the budget committee adopted under RSA 32:14*** may, ~~[do so]~~ on its own initiative, ***require that the tallies of its votes be printed next to the affected article.***

2018-1802s

AMENDED ANALYSIS

This bill permits the budget committee to require that the numerical tally of all votes be printed on the affected warrant unless the legislative body has voted otherwise.

SENATOR KAHN: Thank you, Mister President. This bill permits elected municipal budget committee or an elected advisory budget committee to

require that the numerical tally of all votes be printed on the affected warrant unless the legislative body has voted otherwise. I recommend to the body that you Ought to Pass with Amendment on House Bill 1392. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. The bill has an unintended consequence, I should say the amendment, that in RSA 32:24, it gives the school administrative district, when they create an advisory budget or finance committee to assign the duties and powers of a municipal or school administration as the school administration sees fit. So, by assigning a duty in there, we're actually subverting this paragraph. I have an amendment that fixes that in there, so it is a replace all, so whatever you do on the amendment you do and then I would like to present the amendment that puts the fix in it.

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

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

May 1, 2018

2018-1855s

06/03

Floor Amendment to HB 1392

Amend RSA 32:5, V-a as inserted by section 1 of the bill by replacing it with the following:

V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body *or the budget committee adopted under RSA 32:14* may, [do-so] on its own initiative, *require that the tallies of its votes be printed next to the affected article.*

2018-1855s

AMENDED ANALYSIS

This bill permits the budget committee to require that the numerical tally of all votes be printed on the affected warrant unless the legislative body has voted otherwise.

SENATOR GRAY: From the amendment that the committee did, we deleted just a couple of words and those words are "the budget" or "the budget committee". Again, in the bill, there is budget committees that are adopted under RSA 32:4. The only other budget committees in there which the amendment would refer to are the advisory ones and the advisory ones statute gives the power to set their duties and responsibilities to, reserves it to the locality, so this corrects that by deleting that first reference to budget committee. I would ask you to support that amendment.

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

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

SPECIAL ORDER

Without objection, Senator Bradley moved to special order HB 2018 to the end of the Addendum Calendar. Adopted.

ADDENDUM REGULAR CALENDAR

FINANCE

HB 169-FN, relative to limits on wagers in charitable games of chance. Inexpedient to Legislate, Vote 3-3. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 169-FN Inexpedient to Legislate. This bill increases the limit of a single wage from \$4 to \$10. The Lottery Commission assumes an increased maximum wager amount will increase the popularity of charitable games and the amount of money players will spend and lose. Pursuant to RSA 284:21-J, I, the Lottery Fund balance is deposited in the Education Trust Fund. Some committee members cautioned going, going down this road. The opportunity is ripe for some players to lose a lot of money. The state will not be the beneficiary of this proposal. More importantly, however, there is nothing in the legislation to address what is not being addressed, namely, the problems that arise from gaming. Unable to reach a consensus, the Senate Finance Committee recommends HB 169-FN be found Inexpedient to Legislate and asks for your support. Thank you, Mr. President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I ask this body to overturn that recommendation of ITL, you included, Senator. No? Oh, excuse me. So, I could bring forward an amendment that everyone here will just simply love. Thank you, Mister President.

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

SENATOR GANNON: I just wanted to understand this, Senator. It was \$4, when was that set?

SENATOR D'ALLESANDRO: First of all, thank you for the question. I, I could give you a little historical, the first bet was \$2, then it was increased to \$4. This calls for an increase to \$10. The timing between, I don't know, maybe eight years or something of that nature.

PRESIDENT MORSE: 2014, Senator.

SENATOR GANNON: 2014. From 14 to now.

SENATOR D'ALLESANDRO: 2014, so it's four years.

SENATOR GANNON: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I ask my colleagues to support the Inexpedient to Legislate motion. If we wanted real gambling in this state, we would have voted for a bill that myself and other Senators have brought forth for the last twenty years. Since that time, we've had the birth and growth of a number of charitable gaming casinos. Those charitable gaming casinos are active

throughout the state. They started out with a table bet of \$2, it was increased to \$4. This bill is calling for an increase to \$10. What does that mean to the player? The player means – it's, the player, it means those pots are going to get exponentially larger, they could go into the thousands of dollars. If indeed you're going to have that, we should have had legitimate gambling where the state would have received 35 percent. And, if we had done this when it was first proposed, we would have brought the state about \$200 million. Now that's an underestimate because twenty years at 100 million a year would have put us in the \$2 billion category, but there was a start-up situation, so I'll say to you, that we could have done a number of great things for the state. We could have retained a wonderful venue in Salem, Rockingham Park, which was a staple for the state of New Hampshire for over 100 years. What I'm saying though is this. The \$10 bet, if you want charitable gaming and we have it, it's not going to disappear. The \$4 bet produces, and you've heard from all of these charities how much money they get, and that money has been increasing they say on a yearly basis. There is no reason to take the individual, put him in that position to lose more money. If it's charitable gaming, we accept it, it's going as it is. But to increase it makes it more real gaming, and that's a dangerous situation without all of the oversight that should be there if indeed that's, that's going to happen. As I say, there's a new casino opening up in Berlin as we speak. There are a couple in Nashua that are ongoing, there are many others throughout the state. I think there's a couple in Keene, right? There's one in Keene, they can only have one before the growth pattern begins. But indeed, increasing the bet makes no sense to me, it makes no sense to me. Thank you, Mister President.

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in regards to the beginning of Senator Daniels' remarks.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: ...Inexpedient, so that we can take up a further amendment. Two points that I'd like to bring out that the increases would allow New Hampshire charities to compete with Maine and Massachusetts, both of which have similar limits. And secondly, there's an estimated increase of more than 800,000 in state revenues and greater revenues for the charity organizations. Remembering that those charity organizations perform functions that might otherwise end up in our lap asking that we support them through the state budget. So, I'd ask that you overturn the Inexpedient. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. Once again, I'd just like to ask this body to overturn the ITL. I too regret that we could not pass casino gambling, which would have probably been the best thing to happen to the state. I had to go all the way to Mohegan Sun on Tuesday and lose my money down there with my father, instead of going to caucus and if we had it here, I could have done both, but regrettably we didn't see fit. But I don't think, and I really don't think, we should be punishing the charities that depend on this type of gambling by limiting it as much as we do. Thank you, Mister President.

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

The following Senators voted Yes: Watters, Hennessey, Gray, Kahn, D'Allesandro, Morse.

The following Senators voted No: Woodburn, Giuda, Bradley, French, Ward, Sanborn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 6 - Nays: 18. Failed.

Senator French moved Ought to Pass.

Senator French offered a Floor Amendment.

Sen. French, Dist 7

May 2, 2018

2018-1896s

08/04

Floor Amendment to HB 169-FN

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

AN ACT relative to limits on wagers in charitable games of chance and licensing historic racing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. In this section:

(a) "Historic horse race" means:

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

(2) Concluded with official results; and

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

(b) "Licensee" means:

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

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

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

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

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

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

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

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

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

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

IV. Racing officials, any employee or owner of the person who provides the totalizator system to the licensee, and any person responsible

for the operation of the electronic reproduction equipment which operates the historic horse racing and wagering shall be prohibited from participating in wagering, directly or indirectly, on historic horse races offered at the licensee's facility.

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

VI. Each licensee shall collect an amount equal to the tax provided for in RSA 284:23, I(b). Each game operator employer as defined in RSA 287-D who is licensed to conduct wagering on historic horse racing under this chapter shall distribute 35 percent of the amount collected to charitable organizations with whom the game operator contracts on each licensed game date. The remainder of the total amount collected by the game operator employer under this paragraph shall be paid to the lottery commission for use according to the special fund established in RSA 284:21-j.

8 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.

2018-1896s

AMENDED ANALYSIS

This bill raises the limits on wagers in charitable games of chance.

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

SENATOR FRENCH: Thank you, Mister President. This amendment you've probably seen this several times. I feel like the Senator from District 20 coming before the floor all the time with great legislation. We passed it before, I ask you to pass it again. This is just a case of history. This teaches the players' history as well as give them the opportunity to gamble. It's a little historic racing bill and I thank you very much.

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

Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank You, Mister President. I move House Bill 407-FN Ought to Pass. This bill expands, expands the scope of covered Workers' Compensation claims under RSA 281-A to include preventive treatment for emergency response, public safety workers exposed to certain defined airborne diseases, such as pertussis, tuberculosis and the hepatitis C virus, and thus avoid the onset of such airborne diseases in exposed workers. Expanding preventive treatments may reduce costs if it helps to avoid the onset of an airborne disease and related treatment costs. The Senate Finance Committee recommends passage of HB 407-FN and asks for your support. Thank you, Mister President.

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

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

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

SENATOR FELTES: Thank you, Mister President. I move House Bill 1101-FN Ought to Pass. This bill would require a limited, but unknown number of additional facilities to apply for state air permits related to compounds that may be emitted in the air and deposited on the ground, thereby contaminating groundwater, and also pay associated fees required pursuant to RSA 25-C. The Department of Environmental Services would have to adopt new rules regarding air emissions of compounds impacting soil and water. This would also require DES to set Maximum Contaminant Levels and Ambient Groundwater Quality Standards for perfluorochemicals, otherwise known as PFCs. An MCL would be required to be set for both PFOA and PFOS. The ACQS for these chemicals would then have to be reviewed to determine if new standards are needed. To establish and review these standards, a toxicologist and human risk assessor would both be needed starting in FY 2019, and there's an appropriation for these two positions. Let me pause there and say that this requires DES to do rulemaking. It doesn't require those rules to come back for a full vote of the Legislature on these standards. The Senate Finance Committee recommends passage of HB 1101-FN, and asks for your support. Thank you, Mister President.

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

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

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

SPECIAL ORDER

Without objection, Senator Bradley moved to special order HB 1102-FN to the end of the calendar. Adopted.

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

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

SENATOR FELTES: Thank you, Mister President. I move House Bill 1103-FN Ought to Pass. This bill removes the state's right of recovery for the cost of voluntary services provided to children and families in cases that are deemed "unfounded but with reasonable concern." In such cases, any services provided by the Department of Health and Human Services may be paid from available TANF reserve funds. The Senate Finance Committee recommends passage of HB 1103-FN and asks for your support. Thank you, Mister President.

Recess. Out of recess.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
May 3, 2018
2018-1916s
05/04

Floor Amendment to HB 1103-FN

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

AN ACT relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is “unfounded but with reasonable concern”; relative to eligibility for the New Hampshire home visiting program; relative to the Home visiting program; and making an appropriation to the department of health and human services for community-based prevention and diversion programs for children and youth.

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

2 New Section; Protection for Maternity and Infancy. Amend RSA 132 by inserting after section 10-d the following new section:

132:10-e Home Visiting Program. The New Hampshire home visiting program shall be available to Medicaid eligible families without restriction.

3 New Paragraph; Services for Children, Youth and Families; Incentive Funds. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternatives to out of home placement for children, youth and families through the transfer of funds to cities, town and counties which have or are developing such programs. The transfer of funds shall be in such amounts as are appropriated by the general court for this purpose. The method of distribution shall be based on rules adopted by the commissioner pursuant to RSA 541-A. For the purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect as well as programs or activities for the prevention of children in need of services (CHINS) and delinquent behaviors.

4 Department of Health and Human Services; Incentive Funds for Community-Based Services; Funding Source. The department of health and human services is authorized to utilize up to \$1,000,000 in the fiscal year ending June 30, 2019, for the purpose of funding community-based services under RSA 170-G:4, XX. The sum shall be a charge against the excess appropriation allocation account established in RSA 126-A:75, as inserted by legislation which becomes law in the 2018 general session. If the excess appropriation allocation account in RSA 126-A:75 does not become law, the sum of \$1,000,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding community-based prevention programs and services pursuant to RSA 170-G:4, XX. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2018-1916s

AMENDED ANALYSIS

This bill:

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

II. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

III. Makes an appropriation to the department of health and human services for community-based prevention and diversion programs for at risk children and youth.

SENATOR FELTES: The Senate this year has taken strong bipartisan votes on child protection, including on preventative programs, community-based prevention programs and Medicaid home visitors. What happened in the House is a number of things got taken out of our child protection bills. This restores two of them that we passed. Number one, Medicaid home visiting, which is so critical, especially with the rise of the incidence of neo-natal abstinence syndrome, opioid addicted babies to provide support for parents, and particularly mothers in this situation without restriction. That's section 2 of this amendment. Section 3 of this amendment adds the one million that was cut by the House from the 1.5 million from community-based prevention programs which incentivized cities, towns and counties to maintain prevention programs, court diversion programs, alternatives to out-of-home placement for children, youth and families and prevention of child abuse and neglect. The senator from District 3, District 17 and 14 have worked on this for a long period of time. These are cost effective programs that prevent abuse and neglect down the road. They prevent out of home placements, which are costly to the state. And they help parents of at risk children and at risk families, parents in distress, including helping mitigate what's going on which is a spike in parental termination cases in part based on opioid addiction, but also in part based on the absence of these preventative programs. Again, we've already passed this. This doesn't restore all of the things that the House changed, but these prevention programs are cost-effective, save us money in the long run and prevent the future mistreatment of children. So, I would encourage us to adopt Floor Amendment 1916s. Thank you, Mister President.

Recess. Out of recess.

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

SENATOR WOODBURN: Thank you for taking my question. Can you think of a more legitimate purpose of government than protecting children?

SENATOR FELTES: No.

SENATOR WOODBURN: Can you explain to us in the 2007-2008 budget where New Hampshire was back then in terms of child protection, early intervention, voluntary services in those areas and where we are today?

SENATOR FELTES: Thank you for the question, Senator. If you look at the real dollars, even with the package that Senate Democrats did not negotiate with the House, even if you look at Senate Bill 592, 590, we're still short of where we used to be in real dollars for DCYF and child protection services, including community-based protection and voluntary services.

SENATOR WOODBURN: Thank you for the answer to that question. As hard as it is to believe, we tried this idea, this experiment in 2000, 2008 to abandon our children, not provide the services. What results do we have today in 2018 from that abandonment of our responsibility?

SENATOR FELTES: Senator, I think we've seen the spike in out-of-home placements. I think we've seen the spike in parental termination cases. I think we've seen the spike in abuse and neglect cases. I think we've seen the state, just today, resolve some litigation pertaining to the abuse and neglect for about 6.4 million. These investments in community-based prevention are cost effective, they have a return on investment, they prevent the future mistreatment of our children and they prevent future costs on the state, including some of the ones that I just articulated.

SENATOR WOODBURN: Thank you very much.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise with some regret to speak against this amendment. We've done a lot of good work in this room and our friends on the other side of the wall have also done a lot of good work. And I sat in Division III, chaired by Representative Byron with Representative Rosenwald, Representative Nordgren, Representative Mary Jane Wallner. There are a lot of advocates, both substance abuse advocates and child care advocates because there are two provisions in here. And to a person, they asked me to protect the compromise and that's what happened with our friends in the House. A compromise on Senate Bill 590, which I sponsored, and Senate Bill 592, which our friend from Londonderry sponsored. And I'm just doing this off the top of my head, but in those bills, we added fifty-three new positions to DCYF. That's on top of twenty that we funded in the budget. In the budget, we created the child advocate position, we increased foster care rates, we added \$1.5 million for voluntary services and \$500,000 for the program that is envisioned in paragraph 3 of the Floor Amendment. So, yes, our friends in the House cut that by a million dollars, and they also removed the home visitation program. You don't always get everything you want, but when you have a deal that's a bipartisan deal that is going to improve child protection in the state of New Hampshire, you don't start bidding it up, at least in my humble opinion.

And we heard discussions about 2007. I wasn't here then. He wasn't the Chair of Senate Finance. I think our friend from Manchester might have been. Someone else was, but it wasn't. So, whatever happened in 2007 didn't happen because of our side of the aisle, but we have led in a bipartisan basis and you're going to see a lot more of that bipartisan accomplishment when we get to the last bill on the Addendum Calendar. Sometimes you don't get everything you want, my friend, and continuing to push for absolutely everything you want, might create a house of cards on this entire bill and risk the entire bill. Because when your colleagues on your side of the aisle come to me and say, this is great, we're okay with this, we didn't get everything we wanted, but we can live with it. When the advocates tell me that, people that made you, made me their legislator of the year even, New Futures. When they say they can live with it, I think that's good enough for the rest of us. Let's protect the underlying compromises that have been achieved on Senate Bill 313, Medicaid expansion, Senate Bill 590 which deals with mental health and other issues, Senate Bill 592 that deals with all the child care issues and the DD community and accept that this is major accomplishments. I agree, we need to, we really needed to upgrade DCYF and we've all agreed on that. Although some of us voted for it last year, some of us didn't. So, if we're going to have these kind of floor amendments, it kind of upsets the apple cart, and upsetting the apple cart means we all lose and the biggest losers are the children in the state of New Hampshire. Thank you, Mister President.

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

SENATOR D'ALLESANDRO: Senator Feltes, thank you for accepting the question. Senator Feltes, where's the money going to come from?

SENATOR FELTES: Thank you for the question, Dean. If you look at the amendment, the money, one million dollars will come from the excess appropriation account developed in Senate Bill 592, which is the

CHIP money, about 25 million coming to the state. Right now, based on Senate Bill 592 and other measures that CHIP money, there's plenty in that account to take care of children. And if Senate Bill 592 doesn't pass and everybody here I think agrees to concur, so we'll see if that's a problem. If Senate Bill 592 doesn't pass, it'd be out of funds not otherwise appropriated.

SENATOR D'ALLESANDRO: Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I respect and appreciate the comments of my friend from Wolfeboro, and I respect and appreciate his work on these issues. This compromise did not involve Senate Democrats at all. Not at all. So, I'm a co-sponsor of the bill, a number of people here are co-sponsors of the bill. A number here have worked hard on this, so, and we're not asking for everything we wanted. We're asking for the two most critical prevention pieces that were taken out. The two most critical prevention pieces that were taken out. Home visiting for at risk mothers and children, children born with neo natal abstinence syndrome, number one. Number two, prevention services, community-based prevention services that are cost-effective return on investment, prevent the future mistreatment of our children and save money down the road. If we can't agree to do 1 million from an excess appropriation fund of CHIP money of 25 million for children, I don't know what we can agree on. Again, Senate Democrats were not involved in this. We've passed these bills. A lot of people worked a very long time on these bills, and a lot of people think that the bills that were passed out of the Senate didn't go far enough. I thought that was a reasonable compromise. And these last hours of this session, as we're sitting here, you know, sweating it out and we're going to be leaving for the summer into the fall, let's do this. Let's do this. Let's make sure what we passed on two provisions, not all of them, but two of them. Let's make sure we do it. Let's make sure we do it before we depart. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I just say to my friend, the reason I was involved was I sat in Division III day after day after day after day. Monday mornings, Monday afternoons, Tuesdays, Wednesdays, Thursdays, Fridays, Friday morning, Friday afternoon. I wasn't the sponsor of all the bills. If you'd wanted to be involved, you should have been right there. So, please don't tell me that Senate Democrats weren't involved because all you had to do was be there. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. I think first, to our majority leader. We applaud the work that you did, and the fact that we weren't, we weren't there. We had enough confidence and faith in you representing us to be there and I respect that work. What we did here, by, I'm kind of thinking it was a 24-0 vote, is sent some stuff over to the House with, clearly, there was enough financial backing there to do what had to be done, and we all want children, I mean that's our main focus is to take care of the kids so, take no angst against a senator saying the democrats weren't there. I say you were there, alright, and we worked with you and I, I think you knew exactly what the situation was. The question that, that I think really has to be addressed by this body is was it good enough? Was the final result good enough in light of the fact that we had the financial resources to address

this. If we didn't have the money that would be a different situation, but if we have the money, shouldn't it be used most effectively to take care of the most needy, and that is that issue that's before us. Thank you, Mister President.

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

SENATOR BIRDELL: Thank you for taking my question. What happens with all the work that you did on the previous bill and with this one if we send this over with this amendment attached? One, does it put the work that you did in jeopardy and two, what happens to this underlying bill?

SENATOR BRADLEY: I think it would be more what it would do to the underlying bill. We will be in possession of Senate Bill 590 and 592, so we can concur. But what it does, what it does is it just undermines the ability to be able to work together and get to yes. And usually in this building when we do big things it generally is bipartisan, and I've been in environments before, which is why I'm so glad to be here and not in Washington, where you don't get the opportunity to do bipartisan work very often. Here we do. And so, when people give their word on something, that matters in a place like this. And you know what, I'd like to fund this too, make no bones about it. But there is a much longer term, we need to be able to work together to continue to fight the opioid crisis, the mental health crisis, the Division of Children Youth that needs upgrades and that means being able to cooperate with our friends on the other side of the wall. Not just today in the spring of 2018, but in 2019 and 2020. This ain't just one game. It's not even one season. It's a lot longer than that and your word is your word here and I just don't know how else to say it. "Yes" is hard. And when you start to do things that just upset the apple cart, "no" becomes easy. And "no" is not a very good answer when we're dealing with mental health, or the need for Medicaid, or opioids or DCYF, some of the top priorities that we've all had here. So, I'm kind of flummoxed that as this has been explained and as I think I indicated before, I know my friend wasn't there, but who was I working with? Yeah, Danielson, Kurk, Byron, but also Wallner, Rosenwald, Nordgren. I mean that's pretty bipartisan. So, whatever. Shame on me I guess, but that's how I feel. And there's a long term here and we have an obligation to set the stage for long term success in this room and not upset the relationships that build that success. Thank you.

SENATOR BIRDELL: Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's correct. I wasn't in the room to make the deal. I respectfully disagree with the deal and I respect all the work that the Majority Leader and everybody has done on this. So, you can disagree, and we disagree, and that's okay. So, let's vote this amendment. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. And I want to honor our colleague, our Majority Leader for his commitment. But what I haven't heard here and maybe it's because I'm a teacher from the North Country, and I've seen the DCYF situation and I've talked with my fiancé, is a social worker who sees it every day, is the focus on children. Let me just be clear. I don't care what it costs to protect a kid from being killed. I don't care because every life has value and has respect and this is not

about awards or advocates, this is about kids. I look at a kid and say, we didn't do our job and we got, we got sued and we have to pay. The money's nothing compared to the child. We need to do better, we need to do better. We are the wealthiest state in the country, and we can't protect our children? Shame on us, shame on the ideology of abandonment, and let's do it, let's get this thing done and let's get to work. Let's stop pointing fingers and stop worrying about who's getting credit, who's not getting credit. Let's do the work that we need to do. We can afford to do it; we can afford not to abandon our children. In 2007 and 2008, I don't think we were wasteful. I think we were doing the minimum and now we've dropped below that and we puff up or chest that we're doing so much, we should be patted on the back and get awards and be carried out as great champions of children, but we're spending less and the results are clear. Let's do more. Thank you, Mister President.

President Pro Tempore Carson presiding.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Madam President. Guilty by insinuation, once again. There isn't a person in this chamber, Senator, Madam President, who wishes ill on any child in this state and to insinuate that, I'll be kind, is hogwash. We're spending tens of millions of dollars revamping programs at DHHS to care for children in an extremely dynamic situation, while we're dealing with an opioid crisis and we've committed tens of millions of dollars and fifty-seven new employees to dealing with the crisis. There isn't a person here that doesn't love every single child in this state. There isn't a person here that doesn't want the best thing for every single child in this state. We've done an excellent job at dealing with it, we will continue to do it. We don't live in a vacuum. There's a political process and that process requires negotiation. Like it or not, it's not a perfect world and nobody gets everything they want. But if this is a compromise, it accomplishes all the underlying objectives and moves the ball ahead, then I think it's a good compromise. I stand proud to support it. Thank you, Madam Chair.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. I just want to remind everyone of where we came from and I know this will sound like the same story I tell every time, but I was here in 2011 and I saw that mismanagement that was in the state of New Hampshire. 11.5 billion of supporting what you thought were great ideas and only raising 10.7. And thank god, Governor Lynch basically said let the Legislature do what it wants and I'll manage it because he managed to that number because it was never going to come. That's what happened. I remember some of the people that were kicked out of the negotiations and I wasn't even here because we wanted to do things with just a couple of people upstairs in the Senate offices. I think we've been more inclusive under my presidency than anyone else. And I'll remind you, you didn't vote for the budget, Senator. And that budget did a lot for the state of New Hampshire. We are adding \$60 million right now for people that said we're not spending, and if we hadn't protected ourselves and done good budgeting and if Washington hadn't passed tax cuts, this DSH payment that we're going to approve this afternoon would have ate up every dollar. Because it's Washington dollars that are coming in. This Senate should be proud of what it's done. And to basically say over \$1 million that we're not doing enough for children, we've worked so hard

on DCYF, Madam President, and trying to make people accountable on mental health, on the Sununu Center. There isn't one of you that doesn't ask the question every day.

The Commissioner has been to us a dozen times talking about mental health and our problem is we've got no place to put anyone. And I know Senator Bradley went to one of you today and said listen we're going to try to solve some housing problems, today, the Senate. We're going to put money into this budget in the bill that's at the end of this calendar to make sure we can put housing up. The heartless guys are trying to figure out why we couldn't get DRF beds figured out in the budget. We're going to put \$5 million into housing to make sure that the state of New Hampshire has someplace to transfer these people when they get out of places. You've done a lot as a Senate, and I think what's happening right now of talking about pieces, I know what Senator Bradley did in the House. He certainly kept me informed. There's a lot of pride in this Senate about keeping its word. I know he's informed you of that. I know he's informed you of what he talked about with them. And by the way, health care passed in the House with a voice vote. Everyone in this room should be proud. The reality is the challenge of republicans and democrats having a battle, the House voted for it with a voice vote. That's enormous. And to argue over this million dollars right now like we have to approve it, I'm telling you, you're spending 60 million this year plus or minus.

When LBA scored what the House did and we did and next year you got 60 million in spending, and that's not counting what we're going to add today. And we haven't even looked at the revenues in '19. So, that means we know where we are in '18. Everybody does. We can read it. But in '19, we're anticipating that those federal dollars are going to come in and those one-time dollars should be spent on one-time programs like building housing. That's why I approved that today. It's why the Governor and I talked this morning about it. Because it's a one-time funding thing. If we put this million dollars in, that's a million dollars that you can score 7 or 8 percent against in the next budget. And it's going to show growth. And I don't believe right now you can afford to do that in the system. I mean I certainly take pride in watching that. I take just as much pride in caring about every kid. You know in that budget, you funded Boys and Girls Club afterschool programs. No one probably knows it, but one of the most effective programs going to keep people out of drugs, kids. The Governor put another \$100,000 in the program in the school system to see if it could work. And if it works, we certainly want to talk about it in the next budget to do the same thing in communities that don't have Boys and Girls Clubs. We're working to help kids. We've done a lot as a Senate. We should take pride in it and we shouldn't be getting into this bitter argument today over what's coming in. And I'm not sure what's coming in amendments shortly. I mean we certainly done a good plan and it's worked, and the state's working and I think we're in a great position. I support where we are, I don't support this amendment.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Madam President. Let's take a deep breath here and say, the Senate's done a very good job. We applaud the Senate President. Nobody has more respect for the Senate President than I do. Not only as the Senate President, but as a friend, a caring individual and a person who works. So that's on the table all the time because this is the Senate. That's what we're for, that's what

we're all about, that's why things happen and get done in the Senate. It's so important for us to keep it all together. So, we have a discussion about a particular item. Let's not go crazy. The name of the game in this business is getting things done. I should be the most embarrassed guy in the Senate. I've tried to get something done for twenty years. I haven't got a goddam thing done in twenty years. My dear Frenchie's here, what one year, and he's got his historic racing. He gets— my Seabiscuit's gone. How long has Seabiscuit out yonder? Here he is, he's got it done. I'm laboring in the vineyards for twenty years, and what have I done? Nothing. So, let's think about what we have done, how we have taken care of children. And I can say this, I remember the terrible, terrible year when we had a situation in the House that was really untenable. And coming back from that is tough. It was very, very, very, very difficult. So, we've done a lot of good things. We all strive for perfection, but we know that's not attainable, alright? It's not attainable, but we strive for perfection. Let's not forget that. And our discussions, never forget we've got to respect one another. And that's the most important thing because having served in this body for a long time, when a person gives you their word in the Senate, they stick by it. They do their best. That's a great attribute. I mean that's what life's all about. It's all about relationships. I say that all the time. And we've done that. Things are better, things are better. So, let's not go, as I said let's not go crazy, we all have our opinions. But indeed, when we leave this body, when the President hits the gavel and says it's over for this year, we ought to walk out of here with a great deal of pride in what's been accomplished. And I, I mean truly, that's what makes life worthwhile. I say the only reason why I do this is because I'm doing what I love and I'm loving what I do. And what makes that possible? Working with the kind of people who contribute, who help, they're loyal, they give you their word, they make it happen. So, let's not lose sight of that fact. Let's never lose sight of the fact that twenty-four working together can conquer the world. Thank you, Madam President.

The question is on the adoption of the Floor Amendment.

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

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

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

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

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

Recess. Out of recess.

President Morse presiding.

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

Ought to Pass, Vote 5-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1565-FN Ought to Pass. This bill would require the Commissioner of the Department of Corrections to seek accreditation from the National Commission on Correctional Health Care to have the secure psychiatric unit accredited as a behavioral health facility. There is an annual fee to maintain accreditation, and the initial fee and the annual fee can

each be several thousand dollars. There may be other costs incurred to achieve accreditation, which may require additional operating or capital appropriations. The Senate Finance Committee recommends passage of HB 1565-FN and asks for your support. Thank you, Mister President.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
May 2, 2018
2018-1874s
01/05

Floor Amendment to HB 1565-FN

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

AN ACT establishing a commission to examine issues relative to accreditation of the secure psychiatric unit and requires certain reports.

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

1 New Section; Commission to Examine Issues Relative to Accreditation of the Secure Psychiatric Unit. Amend RSA 21-H by inserting after section 8-a the following new section:

21-H:8-b Commission Established. There is established a commission to examine issues relative to accreditation of the secure psychiatric unit.

I. The members of the commission 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.

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

(d) The attorney general, or designee.

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

(f) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.

(g) The chief executive officer of the New Hampshire hospital, or designee.

(h) A representative of the Community Behavioral Health Association, appointed by the association.

(i) Two members of the community who have an interest in patient rights, appointed by the governor.

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

III.(a) The commission's study shall include, but not be limited to:

(1) Reviewing organizations providing accreditation of facilities similar to the secure psychiatric unit.

(2) Analyzing the types of accreditation available from these organizations, such as psychiatric hospitals, behavioral health facilities, and mental health services facilities.

(3) Costs and time lines for accreditation.

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

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

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

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

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

3 Repeal. RSA 21-H:8-b, relative to the commission to examine issues relative to accreditation of the secure psychiatric unit.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2018.

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

2018-1874s

AMENDED ANALYSIS

This bill establishes a commission to examine issues relative to accreditation of the secure psychiatric unit. The bill also requires the commissioner of the department of health and human services to submit a biennial report in even-numbered years of its findings as to whether certain provisions, standards, or practices should be revised to improve treatment at the secure psychiatric unit.

Recess. Out of recess.

SENATOR FELTES: Thank you very much, Mister President. Mister President, this creates a commission with the relevant stakeholders to review accreditation for the secure psychiatric unit. What is the proper accreditation for people who are not prisoners, they are mental health patients? What is the proper accreditation for that unit? I think what we can conclude now is it's not an accreditation related to prisons; it should be some other accreditation. Right now, the bill as filed is on that par and the prime sponsor doesn't agree with the current bill. There's a lot of dispute and discussion about what each accreditation means and what are the implications for each accreditation. What this would offer is an opportunity to have a commission instead to look at that and dig into it and make the proper recommendation. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you. I rise in opposition to the floor amendment. We debated this bill a couple of weeks ago when it came out of the Health and Human Services Committee and as you recall, the sponsors of, I think it was our friend from Hanover's Floor Amendment to restore dualing if you will, or dual is the right word, not dualing, accreditations. The committee had recommended unanimously at the time, the HHS Committee, that we seek accreditation from the National Commission on

Correctional Health. Look, there are both mental health patients as well as criminal patients in the secure psychiatric unit. We had testimony in the HHS Committee that the Commissioner of the Department of Corrections would support this kind of accreditation. It moves the ball forward. It shines a light on the secure psychiatric unit, which I think is pretty vital. What the amendment that we have before us today would substitute that for a study commission and some new language about submitting a report to the Legislature. So, I would argue that that actually delays the process of trying to improve the secure psychiatric unit. If people feel that it is absolutely essential to have that dual accreditation, I guess that can be debated again next year. But at least let's get the process rolling with the accreditation from the National Commission on Correctional Health because this is part of the state prison system, even though there are people committed there that haven't committed a crime. So, I think that the Floor Amendment actually takes us a step backwards. The Finance Committee work, the HHS Committee work, I think begins that process of accreditation and the information that will be gathered through that process about how to improve the secure psychiatric unit, so I would ask for a vote against the Floor Amendment and Ought to Pass on the bill.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in favor of this amendment and I will give you a different perspective. What we have heard from the people who are actually the prime sponsors and the ones who have worked the hardest on understanding the problems with the secure psychiatric unit, is that the way the bill is now written, it's totally gutted of anything that does what the intention was. So therefore, I would argue this is not taking a step backwards at all. It is in fact taking a step in the right direction in order to really figure out how to do this right. So, I suggest that my colleagues vote in favor of this amendment. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I rise in support of the amendment and Senator Hennessey spoke to what I was about to say. But to let you know that there is considerable confusion as to which is the right accreditation organization and you'll notice in this amendment that there are members from both of those organizations that have been assigned to this commission, so that they, we can work out what is the best pathway to move forward. And I would urge you to support the amendment because of the confusion about which is the right organization and because we have heard from the sponsors that they feel that the organization that was selected was not the right one. We didn't hear a preference from the Commissioner of Corrections. What we heard that she was in favor of moving forward with accreditation and we want to make sure that we're going down the right roadway. Thank you.

(The Chair recognized Senator Avar.)

SENATOR AVARD: Thank you, Mister President. I rise in opposition to this amendment. I, I was there in all the committee hearings, and when I was hearing the first testimony on the prison situation, I was horrified. I felt like I was watching or listening to excerpts from a particular movie that many of us probably heard, like "One Flew Over the Cuckoo's Nest." And it concerned me, and I drafted as direct result, I drafted an amendment, which would address two issues. And the fact that we have

here is we have people that are committed there civilly and people that are committed there criminally. And we have a hybrid. So, we sought to have some type of accreditation. So, we have one that was designed specifically for prisons and another one that was designed specifically for health care. And yet that still misses the mark. And consequently, I just want to add, there's a gentleman there who's there civilly. His name is Andrew Butler and he's a young kid. Didn't commit a crime, he's there. And everybody's talking about it and I just want to bring attention to it because we've got to do something. We have to do something, but this amendment doesn't do anything. This amendment basically says put on the brakes. We already have a bill that we passed that starts an accreditation purpose. Let's move forward with that and let's keep in our memories for the next time we're here on a solution that we can all come together and fix the situation that is at that psychiatric unit. It isn't perfect. We don't have a solution. This is not the solution. Neither is the bill that we have, but it's a step forward. And I, I would recommend my colleagues to move forward, get an accreditation process started and let's not forget Andrew as we move forward. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I'd proffer that using the current bill without the amendment that the accrediting agency's going to find an exception that needs to be addressed and that will be the civil commitment of people who haven't committed crimes in an institution for people who have. And that that exception will be the basis for moving forward. We don't need another study. I'm certain that that will be taken up by the agency that we have in current legislation. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

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

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

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

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I just, in light of that previous conversation, I'm not trying to redo it, I just want to point out a purpose of accreditation is self-improvement. To evaluate yourself against some best practice standards and there actually might be a reason why a dual accreditation might be valuable. We have two purposes and the standards that are set up for correctional as well as hospitalization are going to be different. I think, I think we did not deal with this in a manner that recognized the purposes of accreditation and so we can pass this, I just hope that when we look at this again, we recognize that there's a reason to come back and look at this for the health care side of New Hampshire Hospital. Thank you, Mister President.

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

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

Ought to Pass with Amendment, Vote 4-2. Senator Daniels for the committee.

Senate Finance
April 30, 2018
2018-1840s
03/08

Amendment to HB 1614

Amend the bill by replacing section 14 with the following:

14 Effective Date.

I. Sections 5-13 of this act shall take effect January 1, 2019.

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

SENATOR DANIELS: Thank you, Mr. President. I move House Bill 1614 Ought to Pass with Amendment. This bill does the following: It first repeals statutory provisions of the International Registration Plan and authorizes the Department of Safety to implement the plan through rules that are exempt from RSA 541-A. It also authorizes registration of semi-trailers through nongovernmental agents of the Department of Safety. It authorizes multiyear semi-trailer registrations and provides discounts on fees for semi-trailer registrations. It also allows registrations through the agents by nonresidents for semi-trailers not garaged exclusively in this state. The amendment for House Bill 1614 extends the effective date for major sections of the bill to January 1, 2019. The Senate Finance Committee recommends passage of House Bill 1614 as amended and asks for your support. Thank you, Mr. President.

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

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister Chairman. I thought a little history of this bill might be in order. This bill we have seen four previous times, actually five now. Four previous times, this would be the fifth in the Senate and it's been voted down each time. The bill also was voted down in House Finance and then it was brought over to Senate Transportation to try to get another bite at the, at the apple. Now, it was voted down in House Finance for, for good reasons. The Municipal Association opposed it because of the loss of revenues to the municipalities and then most importantly, it will be a loss as we heard from Elizabeth Bielecki, of \$500,000 dollars. It'll be a loss of \$500,000 in revenue for New Hampshire. As opposed to some imagined possible increase in revenues coming in. Now, the other problem here is that the bill essentially encourages people to break the laws of their own state by coming to register in New Hampshire. This is already causing us a problem because Maine got into this business a few years ago and we heard from Safety that yeah, okay New Hampshire people are going over there and registering and we don't have the resources to, to enforce that. And what it says is basically somebody shows up here and they register their trailer for ten years and it's, it may never ever be in the state. It's, it's somewhere else. And what have we done, we have encouraged people to try to void their registration fees in the place where that vehicle is actually, actually housed. Now, you know, we're in a little bit of trouble right now with our encouraging of people to break the laws of their own state at the Liquor Commission, right? And so now we're going to set up another situation and do, do the same here. It's, it's just plain, it's bad policy, but it also puts a financial hit on the state. \$500,000 that was in testimony before the Senate, so I hope that we will overturn the recommendation of Ought to Pass and do what we've done with this many times before with very good reason. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in opposition to House Bill 1614. I'm going to quote some of the material that I got from the city tax collector in Manchester, Brenda Adams. Brenda says, House Bill 1614, which was 579, relative to registration of semi-trailers. Authorizes the registration of semi-trailers, though not governmental agents, authorizes multi-year semi-trailer registrations for up to twelve years, provides a discounted registration fee for nonresidents for semi-trailers. The city of Manchester will lose approximately \$29,000 annually, \$348,000 in the twelve years. The city of Manchester has already lost \$500,000 annually in the apportioned vehicle registrations. To date, we've lost \$2.5 million in motor vehicle revenue to Indiana. This bill compounds that loss. The bill eliminates the municipal fees. New Hampshire residents and businesses will continue to pay 100 percent of the mutual and state fees. Out-of-state businesses will only pay a discounted state fee. The bill allows business with no legal address or connection to New Hampshire to obtain a New Hampshire motor vehicle registration. How would the state ensure that these semi-trailers are safe for road use? Good question. Continued long-term loss in motor vehicle revenue will cause an increase in property taxes. Loss, the loss, the loss is adequate block fund, block fund grant spending. The city of Manchester, and we all talk about our cities, and any time this happens I like to go to the tax collector, registrar or other people in the district to find out what's going on. This is bad for the city of Manchester, it's bad for the city of Goffstown. I'm sure it's bad for every city and town in the state of New Hampshire. I don't know why we're doing this. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I want to just clear up a couple things. This bill is really, really simple and it will not cost your municipalities anything. It does not do anything to damage your, your municipalities. What this does is allow the Department of Safety to set up independent trailer agents to register out-of-state trailers. Those that are in state, if they are leaving now as my town clerk said, oh we lost \$3,000 and I said there's nothing about this bill that would have stopped that. The fact is people can go out of state, whether it's legal or not illegal, and they can register, such as in Maine. And I'm sure the same thing is happening with Manchester. If people are choosing to go out of state, it that has nothing to do with this bill. We're not forcing that. If you want to address the problem that some people are bringing up, we need to do the same thing that we did with airplanes. With the airplanes, we found out that you could register one in Massachusetts for \$300 or you could register one in New Hampshire for \$3,000. Well, semi-trailers you can register them in Maine for twelve years or more for next to nothing. In New Hampshire, we charge a high municipal fee. You want to keep them in state, you lower the cost and make it affordable for them to stay here. Now, that said, as I told, told my town clerk, the town clerks will be the first ones who come to the Legislature complaining because they don't have the revenue anymore, but that's what we're dealing in and that's the reality of it. If you registered approximately 2,600 trailers under the pricing that's set forth in the legislation, you will have taken care of the 500,000 in the fiscal note. Having spent a number of years in software myself, I'm saying if we spend 500,000 trying to hook into a system, we're way overpriced in doing that. It should be done, it should be able to be done for far less than that. So, I just want to bring, bring that out. There is nothing here that is going to affect

the town clerks if people are going to go out of state. Either you raise, raise the fees up to try to keep them in or you lower the municipal fees to give them incentive to register here. But there is absolutely nothing in this bill that is going to affect that situation one way or the other. Thank you, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR CARSON: Are we voting on the amendment? Is the roll call on the amendment or is it the bill as amended?

PRESIDENT MORSE: The bill as amended.

SENATOR CARSON: Thank you, Mister President.

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

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

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

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

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

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

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

Senate Finance

April 30, 2018

2018-1841s

05/01

Amendment to HB 1673-FN-LOCAL

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

AN ACT relative to the interest charged on late and delinquent property tax payments and relative to prorated assessments for damaged buildings.

Amend the bill by replacing all after section 7 with the following:

8 Prorated Assessments for Damaged Buildings; Application Deadline.
Amend RSA 76:21, III to read as follows:

III. A person aggrieved of a property tax for a building damaged as provided in paragraph I shall file an application with the assessing officials in writing within 60 days of the event described in paragraph I **or by March 1, whichever is later.**

9 Effective Date.

I. Section 8 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect April 1, 2019.

2018-1841s

AMENDED ANALYSIS

This bill lowers the interest rate charged on late and delinquent property tax payments from 12 to 8 percent and 18 to 14 percent per annum. The bill also extends the application deadline for prorated assessments of damaged buildings.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1673-FN-LOCAL Ought to Pass with Amendment. This bill lowers the interest rate charged on late and delinquent property tax payments from 12 percent to 8 percent for pre-lien payments, from 18 percent to 14 percent for post lien payments per annum. The amendment to the bill extends the application deadline for prorated assessments of damaged buildings. The Senate Finance Committee recommends passage of House Bill 1673-FN-LOCAL as amended and asks for your support. Thank you, Mister President.

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

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

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. Mister President, I rise against the amendment to House Bill 1673, relative to the interest charged on late or delinquent property tax payments. Spoke with the town clerk in Goffstown and with, again the tax Collector in the city of Manchester. I've been around for a long time and seen these interest rates go both ways. Most people pay on time, about 98 percent of those who owe property taxes pay on time. In, in 2017, the real estate taxes in the city of Manchester, 98 percent paid on time. The 2017 delinquency at 2 percent was worth \$3.4 million to the city of Manchester. The bill changes benefits 2 percent of the population who already have multiple opportunities to seek financial assistance through our Assessing Division, the Welfare Department and the Senior Services Department. I think that's the essential comment. There are areas that people can go to, to deal with this problem. Financial assistance exists; RSA 76:16 allows for an abatement as part of the function of the assessor's office. Individuals who have expressed financial loss or hardship have this avenue to pursue to reduce their tax burden. A lower interest rate of 5 percent is available for elderly or disabled through the tax deferral program, RSA 62:38-A. The bill will only benefit the minority, while the majority foots the bill. And that's the issue. It only represents the minority and the majority foots the bill. There was a time when businesses didn't pay and they used the city really as an instrument for their borrowing because they were able to borrow at a, a lower rate because the city's rate was low. That's why it was increased. I think we want to help people. I think there's no question about that, but after talking with all of the tax collectors and listening to the mitigations that are in place for people, it seemed to me that a change was not appropriate at this time. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I would ask the Senators to go to page 3 of the Addendum Calendar where the amendment is listed there. The amendment actually deals with a person's house is burned to the ground or severely damaged and it actually allows a longer period of time for them to ask for an abatement. I certainly will remember all of the fine comments that the Senator from District 20 made on the underlying bill, but the amendment just takes care of that. Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. At the beginning when this bill was introduced, the Taxpayers Associate – excuse me, the

New Hampshire Tax Collectors Association came out opposed to the bill. And they were opposed to it through some iterations. We eventually with District 15 Senator and myself came to a compromise on the 8 and 14 percent. The Tax Collector Association did put out a letter at that time saying, "the New Hampshire Tax Collectors Association will support the rates of 8 and 14 percent," and then they bolded for taxes assessed on or after April 1, 2019. And that stipulation on that date of April 1, 2019 has been put into the amendment. You can see that also on page 3 and so they are now in support of the legislation. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I wanted to rise to speak to the bill. It's true that when the legislation was going to drop the interest rates from 18 percent to 6 percent, I certainly heard from the communities in my district, including the city of Portsmouth, that they had grave concerns. And they talked about the fact that they would see businesses who had large property taxes, if the interest rate for late payment was that low, who would not make it a priority to pay their business taxes first. I would like to thank the negotiations that went forward to arrive at the compromise that is now part of this legislation and can, can be supported. But I think we need to understand that the intent of having those high interest rates was not to be punitive and as Senator, the good Senator from District 20 pointed out, that most communities use all of these other opportunities that are in statute to be able to help those individuals who are having a difficult time, and particularly residential tax payers meeting their tax obligations. But we have to make sure that we don't lower these rates to such a degree that it becomes an alternative for businesses and other individuals or entities to not meet their property tax obligations first in terms of their financial obligations, so thank you very much.

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

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

HB 1686-FN, relative to applications for and the use of education tax credits. Ought to Pass, Vote 4-2. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1686-FN Ought to Pass. This bill amends the Education Tax Credit statute to allow taxpayers to utilize this credit against the Interest and Dividends Tax and caps the Education Tax Credit Program at \$5.1 million in a program year. The Senate Finance Committee recommends passage of HB 1686-FN and asks for your support. Thank you, Mister President.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
May 1, 2018
2018-1861s
10/04

Floor Amendment to HB 1686-FN

Amend the bill by replacing section 5 with the following:

5 Contributions to Scholarship Organizations. Amend RSA 77-G:3 to read as follows:

77-G:3 Contributions to Scholarship Organizations. For each contribution made to a scholarship organization, a business organization [or], business enterprise, **or individual** may claim a credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA 77-A, [or] against the business enterprise tax due pursuant to RSA 77-E, **against the tax on interest and dividends under RSA 77**, or apportioned against [both] **each** provided the total credit granted [against both] shall not exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration shall not grant the credit without a scholarship receipt. No business organization [or], business enterprise, **or individual** shall direct, assign, or restrict any contribution to a scholarship organization for the use of a particular student or nonpublic school. No business organization [or], business enterprise, **or individual** shall receive more than 10 percent of the aggregate amount of tax credits permitted in RSA 77-G:4. **No business organization, business enterprise, or individual shall receive a total or aggregate local, state and/or federal tax benefit greater than the donation itself.**

SENATOR FELTES: Thank you very much, Mister President. You may recall that Senator D'Allesandro and I offered this in committee. It deals with an issue that came up in testimony before Senate Ways and Means and before House Ways and Means, and if you see on line 15 and 17, the language that it adds is that no business organization, business enterprise or individuals shall receive a total or aggregate local, state and/or federal tax benefit greater than the donation itself. And we have gotten ample testimony that based on the way this is structured, and based on federal tax laws, folks can actually game the system and get tax benefits greater than the donations that they're actually giving. And that's not, that's ample testimony including from the DRA. So, if you want to put in policy that we don't want people to game the system, let's vote for this. I think this is not what was intended by the bill. I think this is in my view a technical change and I certainly think that's something that, you know, I respectfully suggest we should all get on board with is that people shouldn't be gaming the system to get net tax benefits greater than donations themselves. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this amendment for several reasons. One being the privacy of the individual returns at the federal level, which would then have to be accessed by our revenue folks. Frankly, the, the purpose of this program is exceptionally good, and here's why. Testimony before the committee, the money in this fund goes to children that are unable to move due to lack of funds so they can put, their kids can go to a different school. This Education Fund is for the poor. It Robin Hoods, it takes donations from the wealthy, and I frankly don't care how they handle their taxes. I also submit that the federal tax code is under amendment, that wasn't taken into account here. We don't know what's coming. When that comes that might be an appropriate time to address an issue such as this, but at this point in time because of the privacy issues with the IRS tax returns and for the fact that this is a good program that does good things, okay? Scholarships to the poor and they are prioritized. More money we can get to this, the better we treat our kids in the system of education where these types of programs work for kids that don't work in a traditional

school. Again, part of our suite that we offer to the kids of our state to get the best opportunity education that they can get, and this will support it. Thank you, Mister President. So, vote against the amendment.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Mister President, just to respond, this is not about the merits of the program. It's not. This Floor Amendment is about how the program operates. For interest and dividends taxes, folks that make a lot of money off of dividends, donating that money to the program, also writing it off on the federal return, and in some cases if you had 22 percent or higher bracket, getting a net tax benefit greater than the donation itself. That's called gaming the tax system. And you can say whatever you want to say about it, and you can try and tie it into the program itself, but I think this is something we should all get on board with. I don't think that's what was intended by this and that's what this prohibits. So, the DRA has broad investigatory powers and if this policy is breached in some way, then there, there would implementation of it, but look at this point I think it's important that we correct this technical problem with the way this is structured to say that you don't get a tax benefit greater than your donation. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to turn down the amendment and although I appreciate the comments of my, my friend from District 15. The reality is we're talking about New Hampshire law today because the last thing I knew we don't have the ability to change federal law and if we did, there's a lot of amendments I'd kind of like to put in tomorrow. Mister President, we have, we have a law and the law says you get 85 percent tax credit based upon your donations. Not 100 percent, it's 85 percent. Now frankly, Mister President, last time I checked people's tax returns were private information, so I'm not sure how anyone could actually prove the fact. Although, you know some people have said all the time it's too much of a benefit and you get this benefit, you get that benefit. But the truth is people's tax returns are private and we don't know what they're doing or what their total tax obligations are at both the state or the federal levels. But we need to be concerned about state taxes, and in state taxes, it is an 85 percent tax credit, not 100 percent tax credit. So, Mister President, again as I'd indicated, it'd be great for us to have a couple days, I know you and I could change a lot of things in Washington laws if we had the opportunity, but we can't change federal law, we can't change the IRS code. All we can be is concerned about with what happens here in New Hampshire. So again, I'd ask the body to turn down the amendment. Thank you very much.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Although, I might have saved these remarks for the bill as amended or not, I just wanted to mention the potential constitutional issue that this bill will exacerbate. I did happen to ask for the list of scholarships that had been given under this program and I don't have them in front of me, but my memory is that eighty-seven out of the ninety scholarships granted in the recent period went to religious schools. Now that's, those are the facts and I think that it renews the issue about whether we are violating our constitution by making donations to sectarian institutions. And I will say that the only reason that wasn't judged because the complainant was

not found to have standing the last time. But you can be sure if CACR 15 passes that there will be standing granted to people who want to take this to the court, and I suspect that the judgment will be that this too is unconstitutional. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would refute that comment. This is personal donations; this has nothing to do with public money. This is personal donations given to a fund for the purpose of sending a child to a school of the parents' choice. There's no tax dollars involved. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and join my colleague from District number 2 and with respect to my colleague from District 4, why do you hate the Irish? Why do you hate the Irish? We all know that the only reason today that we have a prohibition on school is because of our wonderful Blaine Amendment. Thirty-seven states from the U.S. Senator James Blaine who didn't want the Irish Catholics to have a job. Our country was run by a bunch of Protestants, and Lord knows that Senator Blaine didn't want the Irish to have a job. Senator Cavanaugh, you've got a good Irish name over there. You don't deserve a good job. You don't deserve an education because if you get an education, Lord knows you might get a good job. You would actually run for office someday. You actually might become a politician. And because U.S. Senator Blaine did not want to ever see you sit in that chair, he couldn't get it passed at the Federal Government. One, maybe two. One, maybe two. Because Senator Blaine didn't want to allow Irish Catholics to get an education, to run for, to run for office, to be in a position of changing the world, he tried to pass it at the U.S. Constitution level, and it failed. And I might say for the record, Senator Morse, something that doesn't happen here, is because he was one of the guys that never showed up for the vote. But after a loss at the U.S. Congress, he went on a road show, went to every state in America. And I think some thirty-seven states in America back during a time when it was anti-Catholic, anti-Irish, anti-American Dream, was able to get this passed in thirty-seven states. Our state's one of those states. My good friend from District number 4, I want to have this battle. I want this to go the Supreme Court and I want to hear people stand up and talk about why the Irish, like my family, wasn't allowed to go to school, why my grandfather was illiterate because he couldn't get into one. Let's have that debate.

Ladies and gentlemen, this is a private donation for families to try and help other kids because they have the ability to do that. I heard earlier from my friend from District number 1 about how every child matters. We'll spend anything to make sure they're safe. Won't an education make them safe? Won't finding that place that they can go and get an education be good for them? Or is they're only safe under someone else's definition? You know we fight about this stuff every single time one of these bills come up and I do not understand for the life of me, why it's good for the goose, but not good for the gander. Why there are people in this building that try to ride some high road about making sure every kid gets the best education they can, except when it falls under their little parameters. I don't understand how that happens. I truly, fundamentally, do not understand how people in this building are making decisions against kids' education based solely on a zip code. I don't want to

hear you're for kids, I don't want to hear you're for education when the only basis you have is a zip code. You know there are states across this country where democrats and republicans come together every single year and make sure there are opportunities for education for our kids. It's not about the zip code, it's not about the unions, it's not about the school, it's about the kids. Why don't you vote for the kids for a change? Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise because I think since the remarks were directed at me personally, I want to take personal exception. If you think, you can ask my wife, Janice Marie Curran Alberdeen whether I love the Irish, okay? Who taught religious ed at Saint Mary's Parish in our home and when the second plate comes around, sure, we put the money in for our religious schools in the parish. For a little history lesson, you can go back before, well before Blaine to I think it was 1817 for our state and it was 1823 when we passed the disestablishment of religion, which said that the state and local funds could not be used for the financial support of the ministry. That's, that was, you know, despite what we've done in the first ten amendments of the constitution, it took almost thirty years before that moved out into the states where religion was disestablished. That's the tradition here. One can make arguments about what the Blaine Amendment was or wasn't. One can read the history of the Irish in New England, a terrific history that talks about the founding of parochial schools and the variety of political issues that those raised and the variety of taxes used and that those raised as well. There's a lot of history there. I really don't think that the reasoning here that someone is against this is because they hate the Irish, I think it's because we have legitimate differences about relationship between church and state and what our constitution says on tax dollars. Maybe you'll have the opportunity to make arguments before the Supreme Court someday, but that's when cooler heads will prevail and our justices will make a decision on what has been created under this. Thank you.

Senator Bradley presiding.

The question is on the adoption of the Floor Amendment.

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

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

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

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

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Yes, Mister President. Thank you. And I just want to explain again why I'm going to vote against this. We have permitted through the reduction in business enterprise and business profits tax the ability to raise \$5.1 million a year. We have not done that; we haven't even gotten to a million. We've gotten maybe to around \$750,000 in any given year. We have not spent the full amount of that \$750,000 that we might have spent in any given year, and now we're looking to expand it to another tax that somebody else, private contribution, boy my jaw just dropped at that. This is diverting, allowing somebody to divert their payment of tax to another, what would be a legalized exception,

and legalized reduction in your dividends and interest tax. I, I, I oppose that. I think that we have a program in place, we haven't come close to tapping it and now we want to expand it and I, I think the purposes are not something that I see meaningful or useful in the immediate future. So, I'll be voting against this. I encourage my colleagues to vote against this bill. Thank you.

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

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

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

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

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

SENATOR FELTES: Thank you, Mister President. I move House Bill 1775 Ought to Pass. This bill revises criteria for appointment of a guardian ad litem under RSA 461-A. It limits the role of the guardian ad litem absent express authorization from the court. House Bill 1775 revises the procedure for determining guardian ad litem fees. And the bill repeals the provision governing Supreme Court standards for non-certified guardians ad litem. The Senate Finance Committee recommends passage of House Bill 1775 and asks for your support. Thank you, Mister President.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

May 1, 2018

2018-1846s

01/05

Floor Amendment to HB 1775

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

AN ACT relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing.

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

2 New Paragraph; Commissioner of Health and Human Services; Alcohol and Drug Free Housing. Amend RSA 126-A:5 by inserting after paragraph XXX the following new paragraph:

XXXI. The commissioner shall monitor and require certification of alcohol and drug free housing in New Hampshire. In this paragraph, "alcohol and drug free housing" means a residence, commonly known as a sober home, that provides or advertises as providing, an alcohol and drug free environment for persons recovering from substance use disorders, provided that "alcohol and drug free housing" shall not include a halfway house, treatment unit, detoxification facility, or any other facility requiring a license pursuant to RSA 151. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to monitoring and certifying alcohol and drug free housing.

3 Effective Date.

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

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

2018-1846s

AMENDED ANALYSIS

This bill revises criteria for appointment of a guardian ad litem under RSA 461-A; limits the role of the guardian ad litem absent express authorization from the court; revises the procedure for determining guardian ad litem fees; and repeals the provision governing supreme court standards for non-certified guardians ad litem. The bill is a request of the committee to study RSA 461-A, relative to parental rights and responsibilities, established in 2016, 281.

This bill also requires the commissioner of the department of health and human services to monitor and certify alcohol and drug free housing in New Hampshire.

SENATOR D'ALLESANDRO: Thank you, Mister President. Some of you, some of you know that I have been working with the city of Manchester, the city of Franklin and other cities around the state of New Hampshire with regard to alcohol and drug free housing. There's been some very serious concerns about places that were opening up, calling themselves drug free housing, but they weren't and problems have ensued. So, I met with the Commissioner of Health and Human Services, met with people in the office of Health and Human Services and drafted this language, which will require monitoring of these entities and requiring certification. That's what this piece of legislation does and I hope my colleagues will support it. It is a serious problem, a very serious problem. Some people are really gaming the system, they're making lots of money from these people putting them in, in a house, charging them exorbitant amounts of money and it's a bad, bad situation. This won't cure it, but it will certainly help. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise in support of amendment 1846. I was first made aware of the problems with sober living houses close to three years ago, and I had Senate Research look into it and discovered that there were a lot of problems. There are, I've worked with other Senators who came to me to talk about the same problems that they were experiencing within their districts as well. And I want to thank the Senator from District 20 for bringing forward some language that hopefully we can pass today, and we can start to get a handle on these sober living houses. We've created a patchwork of substance abuse folks that are really looking to help folks that are struggling with substance abuse and I would hate to see that some of these folks are being taken advantage of, by people that are opening sober houses and in reality are not. And I do think that we need to keep an eye on that. So, again I applaud the Senator from District 20 for bringing this forward and I will be supporting it. Thank you, Mister President.

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

SENATOR GANNON: Just a quick question, Senator. I didn't see a fiscal note. Where's the funding, you're going to have to go to these houses and check, isn't there a--?

SENATOR D'ALLESANDRO: There's no funding associated with this. This will come out of the commissioner's office.

SENATOR GANNON: Okay, thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and again thank the Senator from District 20 for putting the bill in as the Senator from District 15 had said, a lot of us are having lots of conversations about sober houses around the district and I'd like to shout out to Cordell Jones up in the balcony who's spent a tremendous amount of time with this about a year ago, trying to get our hands around this issue. It is a very serious issue. I just caution the body, we need to be careful, because there are some federal laws that are involved with these sober houses and the ability to get tripped up and actually do more damage than good when it comes to what we would all like to see. It's something we need to be very, very cautious of. In addition to that Mister President, I am concerned that if we turn this into a, you know, trying to find that balance and it's important to send a message to the commissioner that if we over-regulate this and make too much, too much of a burden on ADA, lay safety, health all those types of issues that we have in front of us, because it turns more into a commercial enterprise, it's going to become way too expensive for those people just coming out of treatment, or coming out of jail, to try to find homes. So, Mister President again, I'm just trying to provide some, some optimistic cautiousness about, we all want to try and find a way to build guardrails around this. I know that many of us in this room support more money towards sober houses, think it's very, very important, but we need to be a little careful that we're not putting ourselves in a position where we're actually moving backwards versus moving forward when people start looking at the federal regulations. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Senator, for taking my question. Am I to understand there are currently no state regulations governing any of the activities of these?

SENATOR D'ALLESANDRO: Thank you for the question, Senator. Yeah, that's pretty much the issue. That's why all of this transpired. And to just address a couple of things if I might Mister President with regard to the Senator from District 9. We're not looking for any money. These, these homes are being, they are being run by the individuals who own the homes and the individuals pay from their own resources. So, we're not looking for money, what we're looking for is monitoring so that they do the right thing. And I want to thank Senator Carson because this idea, I brought this idea to her when we started having these meetings and she was very helpful and we were always looking for a piece of legislation to put this on, so finally we found this one and we brought people from the Federal Government, we brought fire marshal's office, we brought the fire chiefs from the local communities, we brought people from HHS. I think we brought every, everybody involved in the process, so that we'd be getting everyone's point of view as to what the problem was and how to address it. Thank you, Senator.

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you very much, Mister President. I totally agree with what has been said and I rise in support of the amendment. In addition to the commissioner looking over this, I also would encourage the sober houses to deal with the towns in which they are located. Because in certain cases, the town finds out sort of after the fact that this is going on and I think it's very important that they work with the towns for whatever regulations they need to follow. 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.

President Morse presiding.

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

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

Senate Finance

April 30, 2018

2018-1842s

05/06

Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; and making an appropriation to the revenue stabilization account.

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

5 Classified Salaries; June 8, 2018. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all unrepresented classified employees and all classified employees represented by an employee organization having an agreement with the state for the biennium ending June 30, 2019 shall be established as follows commencing June 8, 2018.

GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08
01	20,923.50	21,489.00	22,054.50	22,717.50	23,361.00	24,063.00	24,706.50	25,369.50
02	21,489.00	22,054.50	22,717.50	23,361.00	24,063.00	24,706.50	25,369.50	26,071.50
03	22,054.50	22,717.50	23,361.00	24,063.00	24,706.50	25,369.50	26,071.50	26,890.50
04	22,717.50	23,361.00	24,063.00	24,706.50	25,369.50	26,071.50	26,890.50	28,704.00
05	23,361.00	24,063.00	24,706.50	25,369.50	26,071.50	26,890.50	28,704.00	29,776.50
06	24,063.00	24,706.50	25,369.50	26,071.50	26,890.50	28,704.00	29,776.50	30,868.50
07	24,706.50	25,584.00	26,617.50	27,631.50	28,704.00	29,776.50	30,868.50	32,136.00
08	25,584.00	26,617.50	27,631.50	28,704.00	29,776.50	30,868.50	32,136.00	33,364.50
09	26,617.50	27,631.50	28,704.00	29,776.50	30,868.50	32,136.00	33,364.50	34,651.50
10	27,631.50	28,704.00	29,776.50	30,868.50	32,136.00	33,364.50	34,651.50	35,997.00
11	28,704.00	29,776.50	30,868.50	32,136.00	33,364.50	34,651.50	35,997.00	37,459.50
12	29,776.50	30,868.50	32,136.00	33,364.50	34,651.50	35,997.00	37,459.50	39,097.50
13	30,868.50	32,136.00	33,364.50	34,651.50	35,997.00	37,459.50	39,097.50	40,696.50
14	32,136.00	33,364.50	34,651.50	35,997.00	37,459.50	39,097.50	40,696.50	42,471.00
15	33,364.50	34,768.50	36,172.50	37,635.00	39,097.50	40,696.50	42,471.00	44,167.50
16	34,768.50	36,172.50	37,635.00	39,097.50	40,696.50	42,471.00	44,167.50	46,059.00
17	36,172.50	37,635.00	39,097.50	40,696.50	42,471.00	44,167.50	46,059.00	47,950.50
18	37,635.00	39,097.50	40,696.50	42,471.00	44,167.50	46,059.00	47,950.50	49,939.50
19	39,097.50	40,696.50	42,471.00	44,167.50	46,059.00	47,950.50	49,939.50	52,045.50
20	40,696.50	42,471.00	44,167.50	46,059.00	47,950.50	49,939.50	52,045.50	54,717.00
21	42,471.00	44,167.50	46,059.00	47,950.50	49,939.50	52,045.50	54,717.00	57,096.00

22	44,167.50	46,059.00	47,950.50	49,939.50	52,045.50	54,717.00	57,096.00	59,572.50
23	46,059.00	48,048.00	50,193.00	52,377.00	54,717.00	57,096.00	59,572.50	62,244.00
24	48,048.00	50,193.00	52,377.00	54,717.00	57,096.00	59,572.50	62,244.00	64,974.00
25	50,193.00	52,377.00	54,717.00	57,096.00	59,572.50	62,244.00	64,974.00	67,918.50
26	52,377.00	54,717.00	57,096.00	59,572.50	62,244.00	64,974.00	67,918.50	70,843.50
27	54,717.00	57,096.00	59,572.50	62,244.00	64,974.00	67,918.50	70,843.50	74,022.00
28	57,096.00	59,572.50	62,244.00	64,974.00	67,918.50	70,843.50	74,022.00	78,000.00
29	59,572.50	62,244.00	64,974.00	67,918.50	70,843.50	74,022.00	78,000.00	81,666.00
30	62,244.00	64,974.00	67,918.50	70,843.50	74,022.00	78,000.00	81,666.00	85,410.00
31	64,974.00	68,055.00	71,233.50	74,470.50	78,000.00	81,666.00	85,410.00	89,427.00
32	68,055.00	71,233.50	74,470.50	78,000.00	81,666.00	85,410.00	89,427.00	93,463.50
33	71,233.50	74,470.50	78,000.00	81,666.00	85,410.00	89,427.00	93,463.50	97,500.00
34	74,470.50	78,000.00	81,666.00	85,410.00	89,427.00	93,463.50	97,500.00	101,517.00
35	78,000.00	81,666.00	85,410.00	89,427.00	93,463.50	97,500.00	101,517.00	105,553.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

6 Classified Salaries; January 4, 2019. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all unrepresented classified employees and all classified employees represented by an employee organization having an agreement with the state for the biennium ending June 30, 2019 shall be established as follows commencing January 4, 2019:

GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08	STEP 09
01	21,255.00	21,820.50	22,386.00	23,068.50	23,712.00	24,433.50	25,096.50	25,759.50	26,481.00
02	21,820.50	22,386.00	23,068.50	23,712.00	24,433.50	25,096.50	25,759.50	26,481.00	27,300.00
03	22,386.00	23,068.50	23,712.00	24,433.50	25,096.50	25,759.50	26,481.00	27,300.00	29,152.50
04	23,068.50	23,712.00	24,433.50	25,096.50	25,759.50	26,481.00	27,300.00	29,152.50	30,225.00
05	23,712.00	24,433.50	25,096.50	25,759.50	26,481.00	27,300.00	29,152.50	30,225.00	31,336.50
06	24,433.50	25,096.50	25,759.50	26,481.00	27,300.00	29,152.50	30,225.00	31,336.50	32,623.50
07	25,096.50	25,974.00	27,027.00	28,060.50	29,152.50	30,225.00	31,336.50	32,623.50	33,871.50
08	25,974.00	27,027.00	28,060.50	29,152.50	30,225.00	31,336.50	32,623.50	33,871.50	35,178.00
09	27,027.00	28,060.50	29,152.50	30,225.00	31,336.50	32,623.50	33,871.50	35,178.00	36,543.00
10	28,060.50	29,152.50	30,225.00	31,336.50	32,623.50	33,871.50	35,178.00	36,543.00	38,025.00
11	29,152.50	30,225.00	31,336.50	32,623.50	33,871.50	35,178.00	36,543.00	38,025.00	39,702.00
12	30,225.00	31,336.50	32,623.50	33,871.50	35,178.00	36,543.00	38,025.00	39,702.00	41,320.50
13	31,336.50	32,623.50	33,871.50	35,178.00	36,543.00	38,025.00	39,702.00	41,320.50	43,114.50
14	32,623.50	33,871.50	35,178.00	36,543.00	38,025.00	39,702.00	41,320.50	43,114.50	44,830.50
15	33,871.50	35,295.00	36,718.50	38,200.50	39,702.00	41,320.50	43,114.50	44,830.50	46,761.00
16	35,295.00	36,718.50	38,200.50	39,702.00	41,320.50	43,114.50	44,830.50	46,761.00	48,672.00
17	36,718.50	38,200.50	39,702.00	41,320.50	43,114.50	44,830.50	46,761.00	48,672.00	50,700.00
18	38,200.50	39,702.00	41,320.50	43,114.50	44,830.50	46,761.00	48,672.00	50,700.00	52,845.00
19	39,702.00	41,320.50	43,114.50	44,830.50	46,761.00	48,672.00	50,700.00	52,845.00	55,555.50
20	41,320.50	43,114.50	44,830.50	46,761.00	48,672.00	50,700.00	52,845.00	55,555.50	57,954.00
21	43,114.50	44,830.50	46,761.00	48,672.00	50,700.00	52,845.00	55,555.50	57,954.00	60,469.50
22	44,830.50	46,761.00	48,672.00	50,700.00	52,845.00	55,555.50	57,954.00	60,469.50	63,180.00
23	46,761.00	48,676.50	50,953.50	53,176.50	55,555.50	57,954.00	60,469.50	63,180.00	65,949.00
24	48,769.50	50,953.50	53,176.50	55,555.50	57,954.00	60,469.50	63,180.00	65,949.00	68,952.00
25	50,953.50	53,176.50	55,555.50	57,954.00	60,469.50	63,180.00	65,949.00	68,952.00	71,916.00
26	53,176.50	55,555.50	57,954.00	60,469.50	63,180.00	65,949.00	68,952.00	71,916.00	75,133.50
27	55,555.50	57,954.00	60,469.50	63,180.00	65,949.00	68,952.00	71,916.00	75,133.50	79,170.00
28	57,954.00	60,469.50	63,180.00	65,949.00	68,952.00	71,916.00	75,133.50	79,170.00	82,894.50
29	60,469.50	63,180.00	65,949.00	68,952.00	71,916.00	75,133.50	79,170.00	82,894.50	86,697.00
30	63,180.00	65,949.00	68,952.00	71,916.00	75,133.50	79,170.00	82,894.50	86,697.00	90,772.50

31	65,949.00	69,088.50	72,306.00	75,601.50	79,170.00	82,894.50	86,697.00	90,772.50	94,867.50
32	69,088.50	72,306.00	75,601.50	79,170.00	82,894.50	86,697.00	90,772.50	94,867.50	98,962.50
33	72,306.00	75,601.50	79,170.00	82,894.50	86,697.00	90,772.50	94,867.50	98,962.50	103,057.50
34	75,601.50	79,170.00	82,894.50	86,697.00	90,772.50	94,867.50	98,962.50	103,057.50	107,152.50
35	79,170.00	82,894.50	86,697.00	90,772.50	94,867.50	98,962.50	103,057.50	107,152.50	111,247.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

7 Classified Increases; June 8, 2018. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of June 8, 2018, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

8 Classified Increases; January 4, 2019. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of January 4, 2019, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

9 Compensation for Certain State Officers; Unclassified State Employees; June 8, 2018. RSA 94:1-a, I(a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06
AA	54,607.28	58,168.76	61,729.72	65,289.12	68,849.04	72,410.00
BB	56,781.40	60,483.28	64,187.76	67,891.72	71,594.64	75,297.56
CC	59,415.72	63,297.00	67,177.76	71,058.52	74,938.76	78,820.56
DD	62,555.48	66,642.68	70,731.44	74,819.68	78,906.88	82,993.56
EE	66,251.12	70,587.92	74,923.16	79,258.92	83,594.68	87,932.52
FF	70,833.36	75,473.84	80,115.88	84,757.40	89,399.96	94,039.40
GG	76,462.36	81,476.72	86,492.12	91,505.96	96,521.36	101,536.24
HH	83,258.76	88,726.04	94,193.32	99,661.12	105,128.40	110,596.20
II	88,026.64	93,811.64	99,597.68	105,382.68	111,168.20	116,953.20
JJ	92,794.00	98,896.20	104,999.96	111,102.68	117,205.40	123,310.20
KK	95,165.72	101,427.56	107,689.40	113,951.24	120,213.08	126,475.44
LL	0.00	0.00	0.00	0.00	0.00	130,183.56
MM	0.00	0.00	0.00	0.00	0.00	134,581.72
NN	0.00	0.00	0.00	0.00	0.00	139,747.40
OO	0.00	0.00	0.00	0.00	0.00	145,786.68
PP	0.00	0.00	0.00	0.00	0.00	153,006.36
QQ	0.00	0.00	0.00	0.00	0.00	161,694.00

10 Compensation for Certain State Officers; Unclassified State Employees; January 4, 2019. RSA 94:1-a, I(a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
AA	55,426.80	59,041.32	62,655.84	66,268.80	69,882.28	73,496.28	77,110.28
BB	57,633.16	61,390.68	65,150.80	68,910.40	72,668.96	76,427.52	80,186.08
CC	60,307.00	64,246.52	68,185.52	72,124.52	76,063.00	80,003.04	83,943.08
DD	63,494.08	67,642.64	71,792.76	75,942.36	80,090.92	84,238.96	88,387.00
EE	67,245.36	71,647.16	76,047.40	80,448.16	84,848.92	89,251.76	93,654.60
FF	71,896.24	76,606.40	81,318.12	86,028.80	90,741.04	95,450.16	100,159.28
GG	77,609.48	82,699.24	87,789.52	92,878.76	97,969.56	103,059.32	108,149.08
HH	84,507.80	90,057.24	95,606.68	101,156.12	106,705.56	112,255.52	117,805.48
II	89,347.44	95,219.28	101,092.16	106,963.48	112,835.84	118,707.68	124,579.52
JJ	94,186.04	100,379.76	106,575.04	112,769.28	118,963.52	125,160.36	131,357.20
KK	96,593.64	102,949.08	109,305.04	115,661.00	122,016.44	128,372.92	134,729.40
LL	0.00	0.00	0.00	0.00	0.00	0.00	139,007.96
MM	0.00	0.00	0.00	0.00	0.00	0.00	143,704.34
NN	0.00	0.00	0.00	0.00	0.00	0.00	149,219.98
OO	0.00	0.00	0.00	0.00	0.00	0.00	155,668.50
PP	0.00	0.00	0.00	0.00	0.00	0.00	163,377.50
QQ	0.00	0.00	0.00	0.00	0.00	0.00	172,654.04

11 Salary Wages for Councilors and Commissioners; June 8, 2018.
RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing June 8, 2018:

	Maximum
Governor's councilors	\$16,999.84
Racing and charitable gaming commissioners	\$13,185.12
Sweepstakes commission, chairman	\$19,176.56
Sweepstakes commission, members	\$10,794.68

12 Salary Wages for Councilors and Commissioners; January 4, 2019.
RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing January 4, 2019:

	Maximum
Governor's councilors	\$17,514.12
Racing and charitable gaming commissioners	\$13,584.22
Sweepstakes commission, chairman	\$19,756.62
Sweepstakes commission, members	\$11,121.50

13 Department of Justice; Attorney Salaries; June 8, 2018. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on June 8, 2018:

	Minimum	Market anchor	Maximum
	\$50,562		\$120,681
Attorney		\$60,950	
Assistant attorney general		\$83,024	
Senior assistant attorney general		\$102,502	
Associate attorney general		\$112,891	

14 Department of Justice; Attorney Salaries; January 4, 2019. RSA 94:1-a, I(c) is repealed and reenacted to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 4, 2019:

	Minimum	Market anchor	Maximum
	\$53,990		\$125,080
Attorney		\$65,082	
Assistant attorney general		\$88,653	
Senior assistant attorney general		\$109,451	
Associate attorney general		\$120,544	

15 Legislative Employees; June 8, 2018. Legislative employees shall receive 1.5 percent salary increases effective June 8, 2018, if such increases are approved by the appointing authority.

16 Legislative Employees; January 4, 2019. Legislative employees shall receive 1.5 percent salary increases effective January 4, 2019, if such increases are approved by the appointing authority.

17 Increases in Salary; Other Non-Classified or Unclassified Employees, Unrepresented New Hampshire State Troopers. All other non-classified or unclassified employees or unrepresented New Hampshire state troopers not covered by the provisions for salary increases in this act shall be granted a salary increase of 1.5 percent effective June 8, 2018, and an additional salary increase of 1.5 percent effective January 4, 2019.

18 Judicial Salaries; June 8, 2018. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$169,781
Associate justices, supreme court	\$164,674
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$164,674
Associate justices, superior court	\$154,442
District court justices prohibited from practice pursuant to RSA 502-A:21-a	\$154,442
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$154,442

19 Judicial Salaries; January 4, 2019. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$181,290
Associate justices, supreme court	\$175,837
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$175,837
Associate justices, superior court	\$164,911
District court justices prohibited from practice pursuant to RSA 502-A:21-a	\$164,911
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$164,911

20 Judges; State Employee Health Plan; Application. The cost sharing and plan design for judges who participate in the health plans offered by the state shall be the same as those for individuals covered by the collective bargaining agreement between the state of New Hampshire and the State Employees' Association of New Hampshire, Inc.

21 Judicial Employees; June 8, 2018. All unrepresented judicial employees shall receive 1.5 percent salary increases on June 8, 2018.

22 Judicial Employees; January 4, 2019. All unrepresented judicial employees shall receive 1.5 percent salary increases on January 4, 2019.

23 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 5-22 of this act for the fiscal year ending June 30, 2019:

FY 2019							
All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
\$27,023,000	\$943,000	\$12,743,000	\$4,546,000	\$2,719,000	\$469,000	\$236,000	\$5,367,000

The department of administrative services is authorized to make rounding adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the currently designed human resources/payroll system (NH FIRST).

24 Floating Holidays and Bonus Days.

I. Floating holidays: Unrepresented classified employees shall be authorized 3 floating holidays. Employees shall accrue one day on July 1, one day on October 1, and one day on January 1 of each fiscal year.

II. Bonus days: Bonus days shall sunset for all unrepresented classified employees after the fiscal year 2018 accrual. Any bonus time previously accrued shall remain to the employees' credit not to exceed 64 hours.

25 Appropriation; Department of Transportation; Red List Bridge Projects. The sum of \$20,000,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 2018, for the purposes of funding state red list bridge projects. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

26 Appropriation; Revenue Stabilization Account. The sum of \$10,000,000 is hereby appropriated to the revenue stabilization account established pursuant to RSA 9:13-e, for the fiscal year ending June 30, 2018, for the purposes of said fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

27 Effective Date.

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

II. Sections 1, 2, and 4 of this act shall take effect July 1, 2018.

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

2018-1842s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

The Chair ruled sections of the Committee Amendment and the 7 Floor Amendments non-germane.

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

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1817 Ought to Pass with Amendment. This bill does the following: it establishes the position of state demographer in the Office of Strategic Initiatives and establishes a Commission on Demographic Trends. Two,

it requires certain state agencies to prepare 10-year current services cost projections for identified programs, and third, requires the Legislative Budget Assistant to include a demographic analysis as part of the fiscal note for certain legislation. The amendment to the bill provides salary increases for state employees and makes appropriations for them. It also makes an appropriation to the Department of Transportation for red list bridge projects. And lastly, it appropriates \$10 million to the Rainy Day Fund. The Senate Finance Committee recommends passage of HB 1817-FN as amended and asks for your support. Thank you, Mister President.

The Chair ruled sections of the Committee Amendment and the following ten amendments non-germane.

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

Recess. Out of recess.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I think my question if you are willing, is probably better presented to you. Thank you. With regard to all of the changes to salaries as well as to some of the benefits. It is my understanding that without mention of legislative employees that that language is specific to the Executive Branch, is that correct?

PRESIDENT MORSE: Yes, Senate Facilities will make all the decisions for our people.

SENATOR SOUCY: So, if I may further inquire, although changes presented here apply to other employees, changes made to employees of the Legislative Branch are only accomplished through a meeting and a vote of the Facilities Committee, is that correct?

PRESIDENT MORSE: Yes.

SENATOR SOUCY: Thank you, Mister President.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 3, 2018

2018-1905s

04/01

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority; relative to the counting of kindergarteners for “average daily membership in attendance”; and temporarily reducing the real estate transfer tax for first-time home buyers.

Amend the bill by replacing all after section 26 with the following:

27 New Paragraph; Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:4 by inserting after paragraph I the following new paragraph:

I-a. The authority shall dedicate the contributions received pursuant to RSA 162-L:10, I-a exclusively to investing or lending to nonprofit organizations that deliver recovery friendly workplace programs. Such contributions shall not exceed \$1,000,000 in any state fiscal year. In this section, “recovery friendly workplace programs” means programs that educate employers in evidence-based practices that reduce substance misuse in the workplace and create work environments that are conducive to enabling persons in addiction and mental health recovery to sustain and re-enter the workforce as productive members of society. Such programs shall include the training of all employees, including specialized training for human resources personnel, and shall be consistent with Substance Abuse and Mental Health Services Administration (SAMHSA) standards. The term “recovery friendly workplace programs” also includes the propagation of public awareness and information that supports health and safety for employees, while promoting active community engagement that will assist in reducing the negative impact of unaddressed substance misuse and untreated mental health. On or by September 30, 2020, the authority shall make public on its website and provide a report to the governor, the president of the senate, and the speaker of the house of representatives concerning the effectiveness of the recovery friendly workplace initiatives tax credit, including, but not limited to, how many workers in recovery were attracted to and retained in the workforce.

28 New Paragraph: Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:10 by inserting after paragraph I the following new paragraph:

I-a. A recovery friendly workplace initiatives tax credit equal to up to 75 percent of the contribution made during the period of July 1, 2018 through June 30, 2020 may be carried forward for no more than 5 succeeding tax years and shall be allowed against any of the following individually or in combination:

- (a) Taxes imposed by RSA 77-A.
- (b) Taxes imposed by RSA 400-A.
- (c) Taxes imposed by RSA 77-E.

29 Community Development Finance Authority; New Investment Tax Credit; Annual Limit. Amend RSA 162-L:10, IV(b) to read as follows:

(b) Contributions received by the authority for which credit is to be taken shall not exceed [~~\$5,000,000~~] **\$6,000,000** in any state fiscal year. Contributions received by the authority in excess of [~~\$5,000,000~~] **\$6,000,000** in any state fiscal year shall not be eligible for credit in such fiscal year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such fiscal year.

30 New Paragraph; Business Profits Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XV the following new paragraph:

XVI. The recovery friendly workplace initiatives tax credit as computed in RSA 162-L:10, I-a.

31 New Section; Business Enterprise Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

77-E:3-e Recovery Friendly Workplace Initiatives Tax Credit. The recovery friendly workplace initiatives tax credit, as computed in RSA 162-L:10, I-a, shall be allowed against the tax due under this chapter.

32 Applicability. The tax credits authorized in sections 27-31 of this act shall apply to tax years beginning on and after January 1, 2019.

33 Definitions; Average Daily Membership in Attendance. Amend RSA 198:38, I(a) to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per school year ***except in school districts where the kindergarten pupil is attending a full-day school district operated kindergarten program***. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements, ***or in the case of kindergarten programs only during fiscal year 2019 a combination of school district expense and private payments***. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

34 Tax on Transfer of Real Property; Rate; Exception Added. Amend RSA 78-B:1, I(b) to read as follows:

(b) ***Except as provided in RSA 78-B:1-b***, the rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

35 New Section; Rate of Transfer Tax for First-time Home Buyers. Amend RSA 78-B by inserting after section 1-a the following new section:

78-B:1-b Rate of Transfer Tax for First Time Home Buyers. Notwithstanding RSA 78-B:1, I(b), beginning January 1, 2018 the rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer applicable to the buyer for the purchase of a qualifying first home, as follows:

I. The rate of tax provided for in this section shall be applied to the amount of tax owed by and actually paid by the buyer pursuant to RSA 78-B:1 and shall not apply to any amounts paid by the buyer on behalf of the seller.

II. For purposes of this section, the term:

(a) "Qualifying first home" shall mean:

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

(2) That will be utilized as the buyer's principal residence as defined in Internal Revenue Code Section 121 and related Treasury Regulations; and

(3) That is the buyer's first purchase of residential real estate.

(b) "Buyer" shall mean the purchaser, grantee, assignee, or transferee of any real estate or any interest in real estate.

36 Applicability Date. RSA 78-B:1-b, as inserted by section 2 of this act, shall apply to transfers occurring on and after January 1, 2018.

37 Payment of Tax; Exception Added. Amend RSA 78-B:4, III to read as follows:

III. ***Except as provided in RSA 78-B:1-b***, the rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor.

38 Prospective Repeal. RSA 78-B:1-b, relative to a transfer tax rate for first-time home buyers, is repealed.

39 Exception Deleted. Amend RSA 78-B:1, I(b) to read as follows:

(b) ~~[Except as provided in RSA 78-B:1-b;]~~ The rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

40 Exception Deleted. Amend RSA 78-B:4, III to read as follows:

III. ~~[Except as provided in RSA 78-B:1-b;]~~ The rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor.

41 Report Required; Department of Revenue Administration. On or before January 1, 2019 and on or before January 1, 2020, the commissioner of revenue administration shall report to the speaker of the house of representatives, the senate president, and the governor on the number of first-time home buyers using the lower transfer tax rate provided in RSA 78-B:1-b and the department's assessment of whether the number of first-time home buyers increased or decreased as a result of the reduced tax rate.

42 Effective Date.

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

II. Sections 1, 2, and 4 of this act shall take effect July 1, 2018.

III. Sections 38-40 of this act shall take effect January 1, 2020.

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

2018-1905s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Establishes a credit against the business profits tax and the business enterprise tax for donations made to the community development finance authority for recovery friendly workplace initiatives.

VIII. Modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments.

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

SENATOR BRADLEY: Thank you very much, Mister President. I believe these amendments have been shared back and forth so this first amendment, 1905 to House Bill 1817, does three things. All of which we've already done in other legislation that unfortunately has gotten tied up in the House. The first one, we propose to send back in 1817, the recovery friendly workforce tax credit, and that is outlined through sections 27 through 29 ... 30. It's legislation that we've already voted on. Section 33 is a bill that we also dealt with, Senate Bill 540, which had a provision in it that was very important to the Senate President's school districts and this is just that provision because it has gotten hung up in the House and this ensures that it will get appropriately debated. On page 3, section 34, starting on line 6 is the first-time homebuyer tax credit, which we also voted for in a bipartisan basis. We worked with our friend from District 15 on an upper limit, we agreed on that and I believe virtually everyone here supported it and I believe the recovery friendly workforce initiative was voted on by a voice vote, so that is the first amendment. I commend it to you. These are strong bipartisan Senate positions and should be reconsidered hopefully by our friends in the House. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise briefly in support of amendment 1905 as we did a lot of work in Senate Ways and Means to make the recovery friendly workplace program work, and we did that in a bipartisan way and we did a lot of work to come to agreement on the real estate transfer tax temporary reduction in a bipartisan way and so I would respectfully encourage approval of 1905s and I appreciate the comments of the Senator from District 3 about the work that's been done on these measures and hopefully we can get this done and added. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I just have one point of concern because I discussed it in Ways and Means Committee. This first-time real estate buyer. What that, what that really means is it could cost us 3 or 6 million over the course of time, but it's a reduction of \$500 in the purchase of a home. You know, with purchasing a home for 300,000, 500s not going to make a big difference. Now, as I said, when I bought my first house at \$17,500, \$500 would have made a big difference, made a big difference. So, I'm going to support it, but I think this one could have been in another direction and, you know, I've talked to real estate people about it also and told them about my feelings with regard to this situation. It is what it is. I hope it's successful, but 500 is not a lot of money in today's world. Thank you, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR KAHN: If one wanted to be sympathetic to the point made by Senator from District 22, 20 sorry, could we divide the question?

PRESIDENT MORSE: Let me answer it this way. We could, Senator, but you're going to lose.

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: If a member of this body objects to a portion of this amendment, do we not have forms in our drawers that we could submit to the clerk stating our objection, so that we would be part of the permanent record?

PRESIDENT MORSE: Yes Senator, and I do that all day long.

SENATOR SOUCY: Thank you.

PRESIDENT MORSE: Senator Feltes, do you have anything to say?

SENATOR FELTES: No.

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

Senator Kahn is in opposition to Floor Amendment 2018-1905s, paragraph 35 on HB 1817-FN.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 3, 2018

2018-1931s

05/10

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; making an appropriation for transitional housing; and making an appropriation for the state loan repayment program.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 29:

27 Appropriation; Housing Finance Authority; Affordable Housing Fund.

I. The sum of \$5,000,000 is hereby appropriated to the housing finance authority for the biennium ending June 30, 2019, for deposit in the affordable housing fund established in RSA 204-C:57. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The purpose of the appropriation made in this section shall be to provide safe, affordable, and stable transitional housing opportunities to those leaving mental health and substance use disorder treatment facilities. Locations of the housing opportunities shall be determined using data, recognizing that many of the needs are in rural areas of New Hampshire. Within 30 days of the effective date of this section, the housing finance authority shall form a working group of subject matter experts with knowledge and experience in addressing substance use disorder treatment and mental health needs as they relate to and impact transitional housing. The working group shall develop a data-driven process to award the funds, guidelines for accountability, and metrics for demonstrating results that maintain employability and sustained treatment effects as priorities.

III. Beginning on January 1, 2019, and each January 1 thereafter, the housing finance authority shall submit a report to the governor,

the senate president, and the speaker of the house of representatives regarding the findings and recommendations of the working group and disbursement of the funds appropriated in this section for transitional housing.

28 Supplemental Appropriation; State Loan Repayment Program. In addition to any other sums appropriated to the department of health and human services in 2017, 155, accounting unit 05-95-90-901010-7965, line 073, grants-non-federal, there is hereby appropriated the sum of \$1,000,000 for the fiscal year ending June 30, 2019, for the state loan repayment program. The department may exceed this amount if new federal funds become available to the program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2018-1931s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Makes appropriations to the housing finance authority for transitional housing and to the department of health and human services for the state loan repayment program.

SENATOR BRADLEY: Thank you, Mister President. Earlier this afternoon we had a debate about, on another bill funding initiative. What separates the \$5 million that is in section 27 from other funding initiatives is this is designed to be one-time for the Housing Finance Authority to deposit it into the Housing Fund to provide safe, affordable and stable transition housing opportunities. You may recall in the Capital Budget how much discussion we had about use of this fund and we bonded. I can't remember exactly how much it was, 3 million maybe, 2.5, so this is an incredible infusion of cash because the Federal Tax Reform Act is bringing in large amounts of new business tax revenue through repatriation. That's what's going on here. It's one-time revenue and this is a one-time initiative to really jumpstart housing. Also, as a one-time initiative, we bring back the state loan, state loan repayment program up to the level that it was in, I believe it was Senate Bill 590. Again, one-time dollars. So, given that our revenues have been strong right now with one-time revenues, these one-time expenditures I think make sense. Thank you, Mister President.

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

SENATOR SOUCY: Senator, I just want to make sure procedurally that we're capturing all of this. I know in the past we've had trouble

with sequential amendments and it would appear that the amendment we just voted on created a new section 27, and your amendment does the same.

PRESIDENT MORSE: Senator Soucy, if you could suspend, I'll read this and it should solve everything.

SENATOR SOUCY: Thank you.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

SENATOR BRADLEY: I was going to say, the Clerk is so capable, I'm sure she'll be able to take care of it all.

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

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24

May 2, 2018

2018-1900s

10/04

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; and making an appropriation to the department of business and economic affairs.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 28:

27 Appropriation; Department of Business and Economic Affairs. The sum of \$100,000 for the biennium ending June 30 2019 is hereby appropriated to the department of business and economic affairs for the purpose of supporting the education and acceleration programs within New Hampshire's non-profit business technology incubators. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2018-1900s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Makes an appropriation to the department of business and economic affairs for supporting the education and acceleration programs of non-profit business technology incubators.

SENATOR INNIS: Thank you, Mister President. This is a relatively simple amendment that allocates a sum of \$100,000 for the biennium ending June 30, 2019, to the Department of Business and Economic Affairs to support the education and acceleration programs within the non-profit business technology incubators. The Governor is authorized to draw a warrant for said sum of any money in the treasury not otherwise appropriated. We are a small business state. Small businesses are very important to our state and to the growth of our tax base. This enables small businesses, these incubators, enable small businesses to get started and eventually graduate and get out on their own. I have seen this work within my family. My brother started a business in an incubator in the state of Ohio. It's been wildly successful. I encourage the Senate to please support amendment 1900s. Thank you, Mister President.

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

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

May 2, 2018

2018-1873s

05/04

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; making an appropriation for congregate housing and services; and making an appropriation for the foster parent grandparent program.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 31:

27 Department of Health and Human Services; Bureau of Adult and Elderly Services; Congregate Housing Services. Amend 2017, 156:78 to read as follows:

156:78 Department of Health and Human Services; Bureau of Adult and Elderly Services; Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the [biennium] **fiscal year** ending June 30, [2019] **2018**.

28 Appropriation; Department of Health and Human Services; Congregate Housing and Services. There is hereby appropriated to the depart-

ment of health and human services the sum of \$750,000 for the fiscal year ending June 30, 2019, which shall be for the purpose of providing congregate housing and services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

29 Department of Health and Human Services; Foster Grandparent Program. Amend 2017, 156:235 to read as follows:

156:235 Department of Health and Human Services; Foster Grandparent Program. The reimbursements to the foster grandparent program through the senior volunteer grant program, established in RSA 161-F:40, are hereby suspended for the [biennium] **fiscal year** ending June 30, [2019] **2018**.

30 Appropriation; Department of Health and Human Services; Foster Grandparent Program. There is hereby appropriated to the department of health and human services the sum of \$100,000 for the fiscal year ending June 30, 2019, which shall be for the purposes of the foster grandparent program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2018-1873s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Makes appropriations to the the department of health and human services for congregate housing and the foster grandparent program.

SENATOR D'ALLESANDRO: First of all, I'll say it's not a lot of, of money. It takes care of two programs that I have been working on for at least the last ten years. So that's half of the twenty that I've been working on for another piece of legislation. So, I hope that I can meet with some success. There are two programs that are near and dear to my heart. One is the congregate housing and services program, which enables people to stay in their residence and then get some homecare, health care services. That's at a cost of \$750,000 for, for the fiscal year ending June 2019. The second is the foster grandparent program, which will cost us \$100,000. Again, I've been working on this program for at least the last ten years. It's a very, very worthy program. We know how successful the foster grandparents are in doing their work in aiding and helping children. It's a very worthwhile program. We had it in our budget, our budget, in the Senate budget. We went to a Committee of Conference and they extracted it. So, we thought it was a good idea in Senate Finance, we thought it was a good idea for a number of years. With the help of the Senate President I get it in, and I lose it. So those

are the two things. The congregate housing and services program for \$750,000 and the foster grandparents program for \$100,000. It's amendment 1873s. Thank you, Mister President.

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

May 3, 2018

2018-1918s

10/05

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; and making an appropriation to the retirement system for payment of retirement system costs of political subdivision employers.

Amend the bill by replacing section 26 with the following:

26 Appropriation; Retirement System; Payment of State Contributions. The sum of \$10,000,000 from the fiscal year ending June 30, 2018 is hereby appropriated to the retirement system for payment of a share of political subdivision employer contributions. The retirement system shall credit any retirement system employer, other than the state, a proportional percentage of its total required contributions for fiscal year 2019 for its group I teachers and group II members to be paid by the state, which shall not exceed a total of \$10,000,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2018-1918s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation of \$10,000,000 to the retirement system for retirement system employers other than the state for group I teacher and group II member contributions.

SENATOR KAHN: Thank you, Mister President. On the Committee Amendment that we just passed, section 26 makes an allocation of \$10

million to revenue stabilization. What this amendment is asking the body to do is to consider directing that \$10 million to political subdivisions paying into the retirement system. So, this is a \$10 million allocation to the retirement system to reduce political subdivision employer contributions. That's the purpose and let me tell you what, what motivates me to want to do this. We've talked a lot about how we want to help different taxpayers in the state. There are a quarter of a million people in the state that pay property tax. It is the largest amount of money that is contributed, that is taxed in this state. It collects in total, \$3.5 billion a year. This is an opportunity to say across the board, we're trying to do something for the biggest group of taxpayers in the state. I think that if this is not curing and, and adjusting in any huge way what towns, municipalities, school districts pay in retirement contributions, my best guess is on this it's around 240, \$50 million a year, \$10 million is going to provide taxpayers across the board some relief one time. I hope the body will see the wisdom of trying to do this and benefit low income people and everybody who are feeling real pressure that we are experiencing in the state relative to property taxes. I think that everybody in this room has people in their district who will tell you it is the greatest burden that is causing them to rethink whether they can afford their homes, to stay in their homes, to go move out of state in order to seek relief. I think we have an opportunity here to provide some relief. I hope the body will approve amendment 1918s. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I, with some regret, I'm going to rise in opposition to amendment 1918s. We've had a lot of discussions over the years about changes that were made to the retirement system. I was the sponsor in 2011 of Senate Bill 3 and sort of the consensus coming out of that legislation was that we're going to reform the retirement system in ways that would reduce and drive down employer cost and at the same time Governor Lynch proposed that the state funds that went to help some of the or all of the communities that pay into the retirement system would also be ended. And so that balanced out for a number of years and there's understandably pressure because of the lower expected investment returns, which has driven rates up for our communities. My understanding, if we fully restored what had been in place before Governor Lynch proposed elimination of that, would be about a \$70 million expense. And I understand the thought that is one-time help for our cities and towns, but that consensus I believe was achieved. It was appropriate, we've made progress in the unfunded liability for the retirement system. That is improving over time and I think that once we start to go down the road of a state contribution again to cities and towns for their retirement costs, we're not going to be able to do some of the other things that are in the bill and the amendment that we have thus far. School safety, state listed red bridges, the state employees contract, we will get to the settlement with the hospitals, the money that we just put into one-time housing, the money that we put into the state loan repayment program, again one-time money, one-time money for foster grandparents as well as the incubators. I'm not sure I see this as one-time money and the price tag is large. So, I would ask the body to vote down amendment 1918. Thank you, Mister President.

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

SENATOR GANNON: I see everything in simple straight terms, straight lines. You said there were a quarter million people, right? And so that's,

with \$10 million it works out to \$40 per household. But that \$10 million to us, when we distribute it to DCYF or anything, that's a lot of money for us, but if you distribute it to the households, it's only \$40. Is that the type of relief you're really looking for?

SENATOR KAHN: I believe there's a zero missing.

SENATOR GANNON: Am I doing the math wrong? 250,000 houses, \$10 million dollars, four goes into a million and into ten, so I would say \$40 a house I believe is— See it was the new math, but I had nuns and priests, they were pretty good at Saint Anselm, so I think I got the math right, I think it's only \$40 a house. So, I don't think to use \$10 million to have such a little effect, I don't think that's a good use of the money, that's all. Don't you think? Made it a question. Thank you.

SENATOR KAHN: So, I understand the math, I don't understand the politics. I just have to say that with all of the considerations that we've given, the various reductions, diversions of dollars. Let's, let's make a statement that if we have dollars left, I mean I wanted to ask my colleague from District 3 two questions, but I can answer your question with them. One is, are we using any of our Rainy Day Fund, any of our revenue stabilization for any of these amendments, and I think the answer is no we're not. So, we've got a 90 million plus dollar amount in that fund. We have an opportunity to say something to the broadest tax base that we have in the state, property taxes, and to benefit the broadest number of people. I don't care what the dollar amount is. To me this is a statement, it's an important statement that if there are dollars left at the end of the day, we want to provide some relief to our local communities and the people who live in them. There is not a town meeting, I have been to so many town meetings in this last year, where citizens are saying they need to give up their homes. Maybe \$40 isn't going to do a difference, but it's a statement of, from this body that when we have some dollars, there is a way that we can benefit our local communities and our local taxpayers.

SENATOR GANNON: Would you believe that I don't think the \$40. I pay over 10,000. Would you believe that I don't think \$40 is going to make a difference?

SENATOR KAHN: Yeah, that's what every school district says when they raise their rates by \$40 and the taxpayers come back and say that's \$40 on top of the 140 that you added on last year.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the Floor Amendment. Talking specifically about property, property taxes. I mean property taxes are determined at the local level. We should not go down the road of having people raise their property taxes at the local level and expect that the state is going to, to pay for the cost that they vote in. Going back to the \$40 per household. It is a small amount, but I want you to think back over the biennium as to how much we have given back to the cities and towns that, that benefit all residents of those cities and towns, not just group 1 teachers and group 2 members and I think that's the way to go is that we've done things, such as we did in Senate Bill 38 in giving back to take care of roads and bridges and those are things that benefit all, not just some. Again, but my main point here,

because I think it's already been said other places is that we should not go down the road of expecting the state is going to take care of the increases that people put on their own property taxes. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

May 3, 2018

2018-1903s

05/10

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; and making an appropriation for an actuarial study of family and medical leave insurance.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 28:

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

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

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

2018-1903s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Makes an appropriation to the department of employment security and insurance department for the purpose of conducting an actuarial study of family and medical leave insurance.

SENATOR FELTES: Thank you very much, Mister President. Mister President, this Floor Amendment that I'm offering is designed specifically to respond to the Senator from District 2 yesterday. His concern raised about doing an additional actuarial study for family and medical leave insurance. Specifically, that the insurance carriers would likely pay for it. So, what this does is it says on line 21 and 23, just to that statement by saying the RFPs don't even go out if insurance carriers have agreed to pay for the independent actuarial analysis. And again, an additional actual analysis is one of the arguments against family medical leave insurance, although I respectfully disagree with that. This says let's do it and if the Senator from District 2 is correct, we don't have to pay for it, and that's why this has been adjusted on lines 21 through 23. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator Bradley presiding.

Senator Morse offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Morse, Dist 22

May 2, 2018

2018-1897s

05/01

Floor Amendment to HB 1817-FN

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion

of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees and making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; relative to disproportionate share hospital payments and making an appropriation therefor, and relative to the uncompensated care and Medicaid fund.

Amend the bill by inserting after section 26 the following and renumbering the original section 27 to read as 30:

27 Appropriation; Department of Health and Human Services.

I. Notwithstanding RSA 167:64, the commissioner of the department of health and human services shall make disproportionate share hospital payments in the fiscal year ending June 30, 2018 in an amount equal to 92.2 percent of the total Medicaid enhancement tax collected for that fiscal year, and in the fiscal year ending June 30, 2019 an amount equal to 90.2 percent of the total Medicaid enhancement tax collected for that fiscal year. Such payments shall be a charge against amounts budgeted under account 05-95-47-470010-7943 pursuant to 2017, 144:1 and the uncompensated care and Medicaid fund established pursuant to RSA 167:64. The commissioner is authorized to accept and expend any matching federal funds without further approval from the fiscal committee of the general court.

II. For the biennium ending June 30, 2019, in the event estimated Medicaid enhancement tax revenue under account 05-95-47-470010-7948 is less than budgeted as a result of payments authorized in paragraph I, the amount necessary to address the shortfall is hereby appropriated to the department of health and human services. The governor is authorized to draw a warrant for such sum of any money in the treasury not otherwise appropriated.

28 Uncompensated Care and Medicaid Fund. Amend RSA 167:64, I(a) to read as follows:

(a)(1) The commissioner shall provide reimbursement for uncompensated care costs ~~[in accordance with the approved schedule of payments]~~ **from the uncompensated care and Medicaid fund** through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make provider payments and to support Medicaid services and programs administered by the department in amounts directed by the budget in each year of the biennium.

~~((2) Expenditure of revenues deposited to the uncompensated care and Medicaid fund shall be made for the following purposes in the following order of priority in fiscal year 2015:-~~

~~(A) To support medical provider payments as budgeted in each year of the biennium;-~~

~~(B) To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder as budgeted in each year of the biennium based on available funding, to be shared among such hospitals in proportion to the amount of uncompensated care provided;-~~

~~(C) To make disproportionate share hospital payments to support the uncompensated care costs of New Hampshire's general hospitals~~

without critical access designation shared among such hospitals consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder in proportion to the amount of uncompensated care provided with funds available from net Medicaid enhancement tax revenue received by the state in fiscal year 2015 in excess of \$190,300,000; and—

(D) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for “deemed disproportionate share hospitals” as that term is defined under 42 U.S.C. section 1396r-4 up to an amount as budgeted in each year of the biennium based on available funding;+]

~~[(3) Subject to subparagraph (a)(3)(D);]~~

(2) Expenditure of revenues deposited to the uncompensated care and Medicaid fund shall be made for the following purposes in the following order of priority in fiscal years [2016, 2017, 2018, and 2019; and in addition in fiscal years 2016, 2017, 2018, and 2019, if New Hampshire hospitals’ total aggregate uncompensated care costs as reported to the department in any such fiscal year is less than \$350,000,000, the state shall pay New Hampshire’s hospitals not less than \$175,000,000 in disproportionate share hospital payments, shared among such hospitals in proportion to the amount of uncompensated care provided; provided that New Hampshire hospitals with a critical access hospital designation shall continue to receive reimbursements of no less than 75 percent of each hospital’s uncompensated care costs and no hospital shall be paid disproportionate share hospital payments of more than 100 percent of uncompensated care costs] **2018 through 2024. However, no hospital shall be paid disproportionate share hospital payments of more than 100 percent of the governing hospital-specific limit on disproportional share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder:**

(A) To make disproportionate share hospital payments to New Hampshire hospitals with and without critical access designation in the following order of priority, [~~provided that, in fiscal years 2016 and 2017, the New Hampshire hospitals shall not be paid more than a cap of \$224,000,000 in disproportionate share hospital payments and in fiscal years 2018 and 2019 the New Hampshire hospitals shall not be paid more than a cap of \$241,900,000 in disproportionate share hospital payments~~] **and in the following amounts: fiscal year 2018 – 92.2 percent of money collected pursuant to RSA 84-A for the fiscal year; fiscal year 2019 – 90.2 percent of money collected pursuant to RSA 84-A for the fiscal year; fiscal years 2020 through 2024 - 86 percent of money collected pursuant to RSA 84-A for the fiscal year:**

(i) To support 75 percent of the uncompensated care costs of New Hampshire’s hospitals with critical access designation consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder to be shared among such hospitals in proportion to the amount of uncompensated care provided;

(ii) To make disproportionate share hospital payments to [~~support 50 percent of the uncompensated care costs of~~] New Hampshire’s hospitals without critical access hospital designation in fiscal year 2016 and 2017 and 55 percent of uncompensated care costs of New Hampshire’s hospitals without critical access hospital designation [in fiscal year 2018 and fiscal year 2019 and in fiscal years thereafter consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant

federal regulations promulgated thereunder in proportion to the amount of uncompensated care provided and up to the remaining amount of the applicable cap set forth in subparagraph (a)(3)(A), but not less than the amount guaranteed in disproportionate share hospital payments as set forth in subparagraph (a)(3); and] ***in proportion to the amount of uncompensated care provided by each hospital from the remainder of the percentage of money collected pursuant to RSA 84-A for the fiscal year specified in subparagraph (a)(2)(A).***

(B) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for “deemed disproportionate share hospitals” as that term is defined under 42 U.S.C. section 1396r-4 up to an amount as budgeted in each year of the biennium ***as set forth in subparagraph (b)(1).***

(C) ***To increase hospital service provider rates each year, beginning in fiscal year 2020 through fiscal year 2024, by an amount equal to 5 percent of the revenue collected pursuant to RSA 84-A for the fiscal year.***

(D) Any remaining funds produced from the Medicaid enhancement tax shall be used to support provider payments and to support Medicaid services and programs administered by the department.

~~(D) Notwithstanding any provision to the contrary, in each of fiscal years 2016, 2017, 2018, and 2019, the amount of uncompensated care reimbursed to non-critical access hospitals shall be reduced in both state contribution and federal match by any shortfall in net Medicaid enhancement tax revenues received below the following thresholds: fiscal year 2016-\$220.5 million; fiscal year 2017-\$228.1 million; fiscal year 2018-\$235.9 million; and fiscal year 2019-\$243.4 million. However, to the extent the aggregate uncompensated care for all hospitals falls below \$375 million and the Medicaid enhancement tax rate is further reduced as set forth in RSA 84-A:2, V, then the threshold for fiscal year 2018 shall be \$229.4 million and for fiscal year 2019 shall be \$235.7 million. Further, the caps in subparagraph (a)(3)(A) and the reimbursements and caps in subparagraph (a)(3)(A)(ii) shall be reduced by 85 percent of the difference between total Medicaid enhancement tax revenue calculated at 5.5 percent of net patient services revenue and Medicaid enhancement tax revenue at the current tax rate for the applicable fiscal year.]~~

29 Medicaid Enhancement Tax. Amend RSA 84-A:2, V to read as follows:

V. For the taxable period ending June 30, 2018, and for every taxable period thereafter, a tax is imposed at a rate of 5.4 percent upon the net patient services revenue of every hospital for the hospital’s fiscal year ending during the calendar year in which the taxable period begins [unless the total aggregate uncompensated care for hospitals with both a critical and a noncritical access hospital designation falls below \$375 million, at which point the tax rate shall be 5.25 percent].

2018-1897s

AMENDED ANALYSIS

This bill:

I. Establishes the position of state demographer in the office of strategic initiatives and establishes a commission on demographic trends.

II. Requires certain state agencies to prepare 10-year current services cost projections for identified programs.

III. Requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

IV. Provides salary increases for state employees and makes appropriations therefor.

V. Makes an appropriation to the department of transportation for red list bridge projects.

VI. Makes an appropriation to the revenue stabilization account.

VII. Makes an appropriation for the purpose of funding disproportionate share hospital payments if there is a shortfall.

VIII. Revises the formula for reimbursing hospitals for uncompensated care costs.

SENATOR MORSE: Thank you, Mister President. I offer a Floor Amendment in the hopes of working out with the hospitals, our DSH payment problem that we've been faced. And let me first start by thanking the Hospital Association. I know we had a contentious hearing in Finance, but they certainly came to the table to help us solve a problem on our DSH payment in the state of New Hampshire. What this amendment does is appropriates a number, around 224 million for a DSH payment in '18 and 227 million for a DSH payment in '19. Along with that, and the reason that I'm asking that we get this in and get it to a Committee of Conference, but there's a lot of legalese in here. If you remember, I believe back in 2014, the state entered into an agreement on the DSH payment with the hospitals. We certainly ran into problems with that DSH payment using a floor and ceiling model and the ceiling was never put in the budget, and last year we ended up paying to that because of dealing with the courts and this year it was looking like we were headed there. Our agreement is short of that for sure, and I think it works for the state of New Hampshire. However, this has gotten to the lawyers just last night on the hospital side. The state lawyers have it now also and I'm sure in Committee of Conference this amendment will change a little bit, but I'm really proud of what the Hospital Association did to work with the state of New Hampshire and come up with this amendment, which is a seven year amendment which I believe the Governor was trying for in order to make sure we had a stable source of DSH payments back to the hospitals. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. First, I applaud everyone who was involved in this, particularly Senator Morse, who I've worked with on things like this for a long period of time, so kudos. I said to them when I met with the hospitals that it would be solved. I made that commitment and certainly everybody worked hard at it. The numbers, the numbers are right. The most significant aspect of this is it's a long-term arrangement. That's the key. We don't want to be going back every, every two years. I think they're happy with the long-term arrangement, we're happy with it. I think the fact that they back fill, the hospitals back filled the Alcohol Fund is significant in terms of the cooperative spirit that's been manifested in this situation. We had a very significant hearing before Finance, and I, I think that hearing taught me a lot that I wasn't aware of and I appreciate that fact. So, kudos to everybody who was involved on the Democratic side and on the Republican side, to the hospitals. Had the opportunity to meet with the hospital, the Presidents and I have had conversation with them all along. So look, it's always nice to see a job well done and everybody can buy into it because everyone has a hospital in, in their district and you can't do much better than this. Thank you, Mister President.

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

SENATOR KAHN: Thank you for taking my question. I'd like to ask about page 3 and line 31 and just make sure that in the differences in terminology in that line relative to hospital service provider, that that is covering both the critical access and the, what's called without critical access hospital designation?

SENATOR MORSE: Thank you for the question. Were you in my meeting this morning? The lines 31 through 33, I'm sure are going to see lawyers putting something to it, but what we've done different in the state of New Hampshire, in these three lines in here, we have a DSH payment that we make back to the hospitals. We certainly created a new model, and that's going to be funding I believe at 86 percent in the out years. Along with that, we've agreed to increase rates to all the hospitals. Big benefit to the critical access hospitals by 5 percent. Not by 5 percent, by using 5 percent of the net tax to do that. That's very important because I honestly believe in the future when the Federal Government makes changes in health care, DSH will start to back off, because think about it, with what we've done in health care in New Hampshire and everywhere in the country, everyone's insured and uncompensated care should be going down. So, the hospitals asked us to start to put some of it into rates, so we could get to everyone, and that's what we're trying to do with this 5 percent. That's what it was about. I believe that needs some legal language further than is in here, but I'll see that within a week I'm sure.

SENATOR KAHN: So, I just want to understand that it sounded that this will apply to all hospitals covered by DSH payment.

SENATOR MORSE: Yes, the rates have nothing – DSH is one thing, rates are another. This is about increasing the rates, which we can do directly with hospitals. And let me tell you, the big hospitals certainly were concerned about the critical access hospitals being able to get more money by doing it in the rates. I think that was an important piece.

SENATOR KAHN: And when, when this goes into the rates, what would that mean? In the rates of reimbursement for what, hospital-based care?

SENATOR MORSE: I believe, and you can check this with the commissioner, I believe we have the ability as a state to directly deal with hospitals with that rate category, and, and that's what we were working on. So, it's not the MCO process, so it's different.

SENATOR KAHN: Thank you for continuing to take the questions. But I – so, the rates outside of the MCOs and for all services provided by either a critical access or PPS hospitals, both in-patient care and out-patient? Is that what it means?

SENATOR MORSE: I don't want to comment on that. You're above my pay grade. The reality of what was negotiated here was making sure that the state could afford to pay a number instead of having a floating number. That's what it was all about. The hospitals certainly wanted to make sure some of that was in direct payments of rates to them and it certainly was to make sure that we could help the critical access hospitals because you can only, if you go to, I think it might be page 2 at the bottom, we can only go up to 100 percent of their uncompensated care. So, in a critical access hospital's case, it's probably not enough money. I mean we do have hospitals that are struggling this week that we have as a Senate helped. I mean as we've done this process, we found it out.

So, one's in your district, if we can get this done, we'll have the payment to them by the end of the month, which is very important to them. One's in the Lakes Region and we have another one that certainly was struggling, and they are the critical access hospitals.

SENATOR KAHN: Would you believe that the hospital in my district is a PPS hospital and not a critical access hospital?

SENATOR MORSE: Okay.

SENATOR KAHN: Thank you, Mister President.

PRESIDING OFFICER SENATOR BRADLEY: I'd just take 10 seconds of personal privilege to cite the hard work, the exceptional work really, of Senator Morse who has gone above and beyond to put this deal together and we owe him a round of applause.

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.

President Morse presiding.

PRESIDENT MORSE: Let me explain where we are. We have four bills that I know of on the Table and two bills special ordered to the end of the calendar. Three that are special ordered to the end.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1538-FN from the Table. Adopted.

TRANSPORTATION

HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates.

The pending motion is Ought to Pass.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

Sen. Bradley, Dist 3

May 3, 2018

2018-1915s

04/06

Floor Amendment to HB 1538-FN

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

AN ACT limiting the liability of successor corporations for asbestos-related claims.

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

1 Findings. The New Hampshire general court finds that:

I. Asbestos-related claims threaten the continued viability of uniquely situated companies that have never manufactured, sold, or distributed asbestos or asbestos products and are liable only as successor corporations.

II. The viability of these businesses is threatened due solely to their status as successor corporations by merger or consolidation that occurred prior to January 1, 1972. In 1972, the Occupational Safety and Health Administration within the United States Department of Labor first promulgated rules establishing exposure limits in an attempt to protect employees against asbestos.

III. Twenty-five other states have enacted legislation similar to RSA 507-H to provide limits on asbestos-related liabilities for innocent successors because this liability has created an overpowering public necessity to provide an immediate, remedial, legislative solution.

IV. The viability of these innocent successor companies is an important public interest as solvent companies provide direct and indirect employment opportunities and contribute to a sustainable workforce.

V. The purpose of RSA 507-H is to balance the rights of those who have suffered asbestos-related injuries with the interests of innocent successor companies that, through merger or consolidation, became liable solely as successor companies and did not themselves manufacture asbestos containing products. In doing so, this chapter provides a mechanism for those who suffer asbestos-related injuries to recover from innocent successor corporations while at the same time limiting the cumulative recovery by all asbestos claimants from innocent successors without impairing their substantive rights.

2 New Chapter; Successor Corporation Asbestos-Related Liability Fairness Act. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H SUCCESSOR CORPORATION ASBESTOS-RELATED LIABILITY FAIRNESS ACT

507-H:1 Definitions. As used in this chapter:

I. "Asbestos claim" means any claim, wherever or whenever made, for damages, losses, indemnification, contribution, or other relief arising out of, based on, or in any way related to asbestos, including any of the following:

(a) The health effects of exposure to asbestos;

(b) Any claim made by or on behalf of any person exposed to asbestos or a representative, spouse, parent, child, or other relative of the person; and

(c) Any claim for damage or loss caused by the installation, presence, or removal of asbestos.

II. "Corporation" means a corporation for profit, including a domestic corporation organized under the laws of this state or a foreign corporation organized under laws other than the laws of this state.

III. "Successor" means a corporation that assumes or incurs, or has assumed or incurred successor asbestos-related liabilities before January 1, 1972, or any of such successor corporation's successors.

IV. "Successor asbestos-related liability" means any liabilities, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated, due or to become due, which are related in any way to asbestos claims that were assumed or incurred by a corporation as a result of or in connection with a merger or consolidation, or the plan of merger or consolidation related to the merger or consolidation with or into another corporation, or that are related in any way to asbestos claims based on the exercise of control or the ownership of stock of the corporation before the merger or consolidation. The term includes liabilities that, after the time of the merger or consolidation for which the fair market value of total gross assets is determined under RSA 507-H:4, were or are paid or otherwise discharged, or committed to be paid or otherwise discharged, by or on behalf of the corporation, or by a successor of the corporation, or by or on behalf of a transferor, in connection with settlements, judgments, or other discharges in this state or another jurisdiction.

V. "Transferor" means a corporation from which successor asbestos-related liabilities are or were assumed or incurred.

507-H:2 Application of Limitations.

I. The limitations in RSA 507-H:3 shall apply to any successor corporation.

II. The limitations of RSA 507-H:3 shall not apply to:

(a) Workers' compensation benefits paid by or on behalf of an employer to an employee under the provisions of RSA 281-A or a comparable workers' compensation law of another jurisdiction;

(b) Any claim against a corporation that does not constitute a successor asbestos-related liability;

(c) Any obligation under the National Labor Relations Act, 29 U.S.C. Section 151 et seq., as amended, or under any collective bargaining agreement; or

(d) A successor that, after a merger or consolidation, continued in the business of mining asbestos or in the business of selling or distributing asbestos fibers or in the business of manufacturing, distributing, removing, or installing asbestos-containing products which were the same or substantially the same as those products previously manufactured, distributed, removed, or installed by the transferor.

507-H:3 Limitations on Cumulative Successor Asbestos-related Liabilities.

I. Except as provided in paragraph II, the cumulative successor asbestos-related liabilities of a successor corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. No successor corporation shall have responsibility for successor asbestos-related liabilities in excess of this limitation.

II. If the transferor had assumed or incurred successor asbestos-related liabilities in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total assets of the prior transferor determined as of the time of the earlier merger or consolidation shall be substituted for the limitation in paragraph I for purposes of determining the limitation of liability of a successor corporation.

507-H:4 Establishing Fair Market Value of Total Gross Assets.

I. As used in this section, total gross assets include intangible assets.

II. A successor corporation may establish the fair market value of total gross assets for the purpose of the limitations under RSA 507-H:3 through any method reasonable under the circumstances, including:

(a) By reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arms-length transaction; or

(b) In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

III. To the extent total gross assets include any liability insurance that was issued to the transferor whose assets are being valued for purposes of this section, the applicability, terms, conditions, and limits of the insurance policy shall not be affected by this section, and this section shall not otherwise affect the rights and obligations of an insurer, transferor, or successor under any insurance contract or any related agreements, including, without limitation, preenactment settlements resolving coverage-related disputes, and the rights of an insurer to seek payment for applicable deductibles, retrospective premiums, or self-insured retentions, or to seek contribution from a successor for

uninsured or self-insured periods or periods where insurance is uncollectible or otherwise unavailable. Without limiting the foregoing, to the extent total gross assets include any such liability insurance, a settlement of a dispute concerning any liability coverage entered into by a transferor or successor with the insurers of the transferor before the effective date of this chapter shall be determinative of the total coverage of the liability insurance to be included in the calculation of the transferor's total gross assets.

507-H:5 Adjustment.

I. Except as otherwise provided in this section, the fair market value of total gross assets at the time of the merger or consolidation shall increase annually at a rate of one percent in excess of the prime rate as listed in the first edition of the Wall Street Journal published for each calendar year since the merger or consolidation, unless the prime rate is not published in that edition of the Wall Street Journal, in which case any reasonable determination of the prime rate on the first day of the calendar year may be used.

II. The rate calculated under paragraph I shall not be compounded.

III. The adjustment of the fair market value of total gross assets shall continue as provided in paragraph I until the date the adjusted value is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the successor corporation, a predecessor, or by or on behalf of a transferor after the time of the merger or consolidation for which the fair market value of total gross assets is determined.

IV. No adjustment of the fair market value of total gross assets shall be applied to any liability insurance that may be included in the calculation of total gross assets by RSA 507-H:4, III.

507-H:6 Scope of Act; Application.

I. This chapter shall be liberally construed with regard to successors.

II. This chapter shall apply to all asbestos claims filed against a successor on or after the effective date of this chapter. The chapter shall also apply to any pending asbestos claims against a successor in which trial has not commenced as of the effective date, except that any provisions of this chapter that would be unconstitutional if applied retroactively shall be applied prospectively.

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

2018-1915s

AMENDED ANALYSIS

This bill limits the liability of successor corporations for asbestos-related claims to the fair market value of the total gross assets of the transferor at the time of merger or consolidation and provides methods for establishing the fair market value of the transferor's total gross assets.

SENATOR GANNON: Thank you, Mister President. The state of New Hampshire is great because the body has lowered the BP tax, we have lowered the BET tax. Revenues are up, there's virtually no unemployment. It's always a sunny day in New Hampshire right now. How do we continue, how do we keep this success up? We show the country that New Hampshire is open for business, it was, still is and always will be. We welcome New Hampshire, more businesses into New Hampshire. We don't want an innocent good faith purchaser, who never made or sold or installed asbestos, to pay billions of dollars because of an ancillary building they got in a purchase of a rival. This amendment, and I'll be very brief because we've already been through this before, in my opinion

is founded on common sense. It will send a strong message that New Hampshire business laws are based on fairness. Just like the laws in twenty-five other states, this amendment limits the liability of certain successors with original transfer of the successor, asbestos related liabilities occurred before the Federal Government began regulating asbestos in 1972. The successor must not, and I'll emphasize "not", have continued in the business of selling, nor manufacturing, nor distributing, removing or installing asbestos containing products. This bill does nothing to impact individual rights or abilities to seek financial recovery for asbestos related injuries, but will work to prevent frivolous lawsuits. We don't want sharks heading here just because they think it's a place they can make money. Contrary to the claims, this legislation has never had an adverse impact on a veteran or any other worker's ability to recover damages in the twenty-five states that it has passed in over the last decade and a half. Please support the Floor Amendment, which has already received the support of the Senate earlier this session. Thank you very much, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: Is this amendment germane to the bill that's before us?

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

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

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

PRESIDENT MORSE: You can ask that this amendment be ruled germane by the body. It would require 16 votes.

Recess. Out of recess.

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

SENATOR FELTES: Thank you for taking my question, Senator Gannon. Is your amendment exactly what we passed in Senate Bill 427?

SENATOR GANNON: Yes, sir.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: In light of that representation and in light of rule 3-17, I withdraw the objection with respect to germaneness.

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

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

SENATOR KAHN: Thank you, Mister President. What I want to do is refresh my reasoning on this bill from the last time it was debated. I believe I voted against and I believe that you gave some testimony to the effect of the responsibility of a property buyer to do the due diligence that they would normally do when acquiring a business or the property. And I felt, could you review that with us one more time, so that we get grounded back into what this amendment, where the flaw was with this amendment? Thank you.

SENATOR FELTES: Thank you very much for the question, Senator Kahn. We've debated a lot of bills this session. Based on my recollection of the debate of this and my review of this, we found a problem based on not providing adequate disclosures upon transferring a property and

some of the problems associated with that. People ought to know what kind of properties they're buying. People ought to know what they're getting into, especially when it relates to asbestos. And I think that was one of our concerns as I recall it on this bill.

SENATOR KAHN: And if I was in the position of acquiring a business or a property and I – there was asbestos found during that discovery, I would have the ability then to negotiate with the seller the kinds of exclusions or assurances that I be held harmless for that acquisition, that liability?

SENATOR FELTES: That's correct, Senator. If you had either done an inspection on your own as a buyer or there's some adequate disclosure, which I think this tampers with to some degree, you would have an ability to know that there's asbestos there and that presents a problem for you as a successor in ownership of that property and possible claims for you down the road, and that would affect your ability, presumably to negotiate a better price if you're still interested in the property after knowing that asbestos is in the property.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President. (The Chair recognized Senator Gannon for a question of Senator Kahn.)

SENATOR GANNON: Thank you for taking my question. So, you were talking about knowledge, reasonable knowledge. Are you aware that the purchase of this property was years and years before the Federal Government began regulating asbestos in 1972? It was like a 1963 purchase, so at the time are you aware that there was no reason to really be that scared of asbestos because the Federal Government was letting everyone do it? So, if it was in a dormant little building on your property and it was a legal product at the time, that you were never going to sell, you were just going to pass through that and it's legal, haven't you done your due diligence?

SENATOR KAHN: I'm not aware of the purchase nor when the, although you're saying 1972.

SENATOR GANNON: So I just, the whole this is to me, if it was after 1972, I could understand your argument because then it would have been an illegal product that they were aware would contaminate people. Would you believe?

SENATOR KAHN: I would believe that there are probably lots of companies that would love to jump on an amendment like this and I don't know how many people could be affected by us limiting that. You know, were there any coal mines in this state that were acquired before 1972? I guess, you know, we could, following this path, people who have experienced the problems, respiratory problems, either from whatever the source, would we be relieving the liability of people who have died or families who have claims? I just, I, it's one of those bills where you go one of two ways on it and it's a close call, but I wonder how many, we have no voice here for the people who might have been affected that we're taking the right, their right away in granting this. Thank you for the question.

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in regards to the beginning of Senator Carson's remarks.

SENATOR CARSON: ...I know it's late, but I don't think people truly understand what this is about. This bill came to Senate Judiciary earlier

this year and it came because of a problem that others are seeing occurring concerning asbestos. As we all know, asbestos is a very dangerous, a very dangerous substance. It wasn't always so. And because of that, for many years, people worked around asbestos. They started to get sick and with the big manufacturers of asbestos, the Federal Government came to a settlement, where these companies agreed to set aside billions of dollars into a fund that would help the victims of – I forgot what it's called – yeah, mesothelioma. And what's happening is that has now gone beyond that fund and they're now going after companies that might have used asbestos in the manufacturing of their product. We're not talking about property as in land or somebody bought a house, we're talking about the buying of businesses. And it's really hurt a lot of the smaller businesses who bought, who bought a business making, I think one was making bottle caps or something like that, and they did, they had no idea because when they bought the prop–, the business asbestos was legal, there wasn't a problem with it. Now they find themselves being drawn into court. And so, what the bill ultimately tries to do is to get the transparency that if you're getting money from one of these funds, tell the court. Because what's happening is people are going to these large funds and they're drawing off of these funds, but they're not telling the court that they're also going after the smaller guy too. And there's a real concern that that fund is going to go away. Because once it's gone Mister President, it's gone. There's no replenishing that fund. It was the settlement. So, what they're trying to do with this piece of legislation is really speak to transparency. If you're going to do this, if you are going to sue, tell the court, did you get a previous settlement, what was that amount, so the court can take that into consideration while it's making its decision. So, I hope that this clears up what this bill was about. Thank you very much, Mister President.

The question is on the adoption of the Floor Amendment.

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

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.

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

Recess. Out of recess.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1592-FN from the Table. Adopted.

FINANCE

HB 1592-FN, requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic. The pending motion is Inexpedient to Legislate.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I ask that the body overturn the motion of ITL, so that I can introduce a Floor Amendment.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 3, 2018

2018-1926s

06/08

Floor Amendment to HB 1592-FN

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

AN ACT requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic.

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

1 Department of Environmental Services; Ambient Groundwater Quality Standards. By January 1, 2019, the commissioner of the department of environmental services shall review the ambient groundwater standard for arsenic to determine whether it should be lowered, taking into consideration the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, the impact on public health, and the costs and benefits to affected entities that will result from establishing the standard. Any proposed change to the ambient groundwater standard for arsenic shall require the approval of the general court. On or before January 1, 2019, the commissioner shall submit a report of the findings to the chairpersons of the house and senate committees with jurisdiction over natural resources.

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

2018-1926s

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to review the ambient groundwater standard for arsenic to determine whether it should be lowered. This bill also requires that any proposed change shall require approval of the general court.

SENATOR BRADLEY: Thank you, Mister President. After our discussion on the floor hours ago, I took the main part of the bill, which allows the Department of Environmental Services to review ambient groundwater standards for arsenic to determine whether it should be lowered, taking into consideration the extent to which the contaminant is found in New Hampshire, and I can tell you it's in well water everywhere, and the ability to detect it in public water systems and set a recommended standard that would be different than the existing standard today. That's the nuts and bolts of the bill that came to us from the House. But what I have also proposed is a way to get this bill to the Governor in a way that is likely to be signed into law, a compromise, not a four letter word, but something realistic, adding line 14 and 15, any proposed change to the ambient groundwater standard for arsenic shall require the approval of the General Court. That means everybody in the Legislature. The bill would have to be introduced, it would go through the process and presumably if the department recommended a lower standard given that it's arsenic, one of the most toxic, carcinogenic compounds in water, all throughout the Granite State, it would be adopted. Quite frankly, we don't always do it this way. In fact, we don't normally do it this way.

However, we probably should do it this way because there will be an expense. I happen to believe that it will be a warranted expense and that's why I think this is a compromise that ought to be acceptable to everyone. And I commend the amendment to you, Mister President.

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

SENATOR FULLER CLARK: Thank you, Senator from District 3. Are you aware of any time in the past when we have turned over the ultimate decision on how we should be implementing safety with regard to air or water to the Legislature, and are you concerned that this might be setting a precedent for the future?

SENATOR BRADLEY: You know interestingly enough today when we adopted, I believe it was House Bill 317, we said any further increases in the systems benefits charge should come back to this body, not just us, but our friends across the wall. So, while this would not be perhaps the standard practice of the department and I can't off the top of my head, cite an example where the Legislature had to approve either under RSA 125, the air pollution statutes, or RSA 485, I think which is where groundwater is predominantly. We set the policy in this building; we ask executive departments to implement it. Often times we would give them rulemaking authority. I think in this instance, given the fact that it was Inexpedient to Legislate, and there's a lot of opposition to going forward without knowing what the known costs are, this is a reasonable way to proceed.

SENATOR FULLER CLARK: Again, my question is are you at all concerned that this would set a precedent for the future, so that any significant piece of legislation dealing with the authority of DES to regulate air or water pollution will have to come before the Legislature?

SENATOR BRADLEY: I, I always believe in legislative authority, so no I'm not too concerned. What I am concerned about is our inability to direct the Department of Environmental Services to actually do the review with legislative approval and really, a stamp of approval, and then to come back. And I think given what happened on bills that you and our friend from Concord worked on last year that ended up in a Committee of Conference and cost concerns left that Committee of Conference without any resolution, the bills died, we're back a year later, doing the same thing again. Those bills now have the consensus. I think this is a way to get a consensus and get going early.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in opposition to the Floor Amendment. We don't know what DES will promulgate for a standard for our state. That's true. We can't predict it. We also can't predict exactly what may or may not be the expense. It could be none as a consequence, they could choose not to lower it. They could choose to lower it to a level that there is no expense beyond the existing care and maintenance of water systems. Or they could go, as the Senator from District 11 pointed out, all the way down to five which may result in, as the fiscal note indicated, an expense. And we don't know what they're going to do, we don't. We also don't know what DES is going to do on perfluorinated chemicals, PFCs. And we just passed that bill. We just passed it without requiring that we go back through the Legislature to pinpoint exactly the standard. That was House Bill 1101. It was House Bill 1101, we just passed it without this provision in it. And I can recall

and certainly the Senator from Wolfeboro can recall when we worked on this last year the PFCs and the Senator from District 24 probably recalls, I presented an amendment that picked the number. Remember that? That was greeted about as frosty as something that's very frosty, a snowman? Frosty as not this chamber right now. The antonym of this chamber right now. And that was greeted that way by everybody: BIA, Municipal Association, basically all the stakeholders. So, what's going to happen when we have this process go forward and then the Legislature does that again? Picks a number and we go through the process, the legislative process and people, the legislators who don't have the expertise start monkeying with that number based on what's filed. It's going to be the same thing and then we're going to end up not passing a bill. By doing this today, we are not passing a bill. We're not. We're saying the Legislature next year may pass a bill. That's what we're saying. When we're dealing with arsenic in drinking water, I think it's time to act. So, I would encourage us to vote down this amendment. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment. PFOAs got delayed a year because of the process. We don't need to delay this. This is an important bill, but it's equally important that we exercise our authority over the agencies that people send us down here to control. DES will do a study, they'll come back with a number, but we should not, and I believe cannot, support a process that says go ahead and send it in without any regard for the consequences because DES doesn't have a fiscal consequence that the taxpayers and the businesses of this state will have to bear. That's up to us to make that assessment. And I fully trust this leg-, this Senate and the people across the wall and the Governor upstairs to do what is best for the people of the state all the way around. This amendment is good. It is good for the process, okay? It doesn't set a precedent because there is no precedent for legislative process. Any one of us can put in any bill we want in at any time and it gets modified. So, this is a good amendment. It gets the job done because we have to deal with the people across the wall. And I think that if we don't do this, it's dead this year. Thank you, Mister President.

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

SENATOR FRENCH: Thank you, Senator. So, for the process, if DES set an amount, okay, that was acceptable, couldn't the Legislature change that anyway?

SENATOR FELTES: Absolutely. And, you know, and I think the notion that this is not acceptable to our colleagues across the wall, it's a House Bill. They passed it. They already passed this bill without this amendment. We don't need this amendment. All this really says, Senator French, is let's come back next year after DES looks at it and file another bill. This is all this says.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in favor of the amendment. What this bill does, it helps to educate us, because what happens now is DES sets a particular level and that's what it is, and we get our constituents saying, you know, how come this is costing us more

money? Well you know what, we don't know why. What this is going to do is going to cause DES to come to the Legislature and explain why they are setting it. That's education. That's good for us, so that we can then go back to our cities and towns and if it's going to be an increase, with the municipality or on our constituents, we will be able to explain to them why it happens. So, this is a good amendment. Any time we can be more educated when talking to our, our constituents, it's a good thing. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the amendment for the following reasons. What do we gain by voting against this amendment? We don't gain anything. What do we gain by voting for the amendment? At least an opportunity to hear, to hear what's happening and have an opportunity to look at it. I've been talking about groundwater since the 1970s when I thought water was a problem that was coming and it was going to be dramatic as we move forward. The quality of our water. I notice everybody was drinking out of the bottles today. Kind of gives you an example of what we think about water. We pay \$1.50 for these, \$1.50. As President of the Manchester Water Works, the greatest water works company in America, right, Alderman Cavanaugh? The best price and the best water in the United States, in the whole United States. Because we've spent a lot of time and effort examining this and, and we really do a great job of processing that water. We spend a lot of money on a plant that's really done a great job, so I don't see anything gained by voting against this. We should support it and move it forward. It's a change and we're going to have to face the consequences because as I said I'm not drinking this stuff at my house. I go right to the faucet, I turn it on and I drink that great Manchester water and I want to be able to do that until the day I die, until they bury me in the back yard. So, I'm going to be ahead of the game. So, I don't see anything gained by voting against this, I see, I see the ray of hope by voting for it. Thank you, Mister President.

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

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

MOTION TO REMOVE FROM THE TABLE

Senator Feltes moved to remove HB 1626-FN from the Table. Adopted.

FINANCE

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

The pending motion is Order to Third Reading.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

Sen. D'Allesandro, Dist 20

May 3, 2018

2018-1928s

01/04

Floor Amendment to HB 1626-FN

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

AN ACT requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs, and relative to liquor commission shortfalls.

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

5 Revenue Shortfalls; Suspension. RSA 176:16-a, relative to liquor commission revenue shortfalls, is suspended for the biennium ending June 30, 2019.

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

2018-1928s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services, in conjunction with the governor's commission on alcohol and drug abuse prevention, treatment and recovery, to make an annual report relative to the cost effectiveness and outcomes of programs funded in whole or in part by the governor's commission.

This bill also suspends the law regarding liquor commission shortfalls for the biennium ending June 30, 2019.

SENATOR FELTES: Thank you, Mister President. I will speak to it now. You may recall earlier in the day we rejected the Committee Amendment. Part of the Committee Amendment was the revenue shortfall suspension of the Liquor Commission. That needs to be added back in. This is not controversial, so I would move that we adopt Amendment 1928s. 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.

ENERGY AND NATURAL RESOURCES

HB 114, relative to minimum electric renewable portfolio standards. Interim Study, Vote 4-1. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 114 be referred to Interim Study. The bill reduces the percentage of total megawatt-hours of electricity from class I sources under the electric renewable portfolio standards. Class I represents new, innovative technologies for renewable generation. This bill would halt the growth of Class I by placing a cap at the 2000 compliance obligations of 6 percent. The committee heard testimony that many in our state's clean energy sector look for legislative and regulatory consistency in state energy policy. The bill warrants a deeper study of its consequences and those effects need to be reviewed. The Energy and Natural Resources Committee asks for your support for the motion of refer for Interim Study. Thank you, Mister President.

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

FINANCE

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

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

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1102 Ought to Pass. This bill authorizes the Department of Health and Human Services to enter into a contract or contracts with one or more

physicians to provide consultation related to designing, updating and monitoring practices regarding medication assisted treatments for substance use disorders. The Senate Finance Committee recommends passage of House Bill 1102 and asks for your support. Thank you, Mister President.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20
May 3, 2018
2018-1930s
05/10

Floor Amendment to HB 1102-FN

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

AN ACT regulating groundwater pollution caused by polluting emissions in the air; relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water; and authorizing the department of corrections to establish additional expenditure class lines with fiscal committee and governor and council approval.

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

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

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

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

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

I. For the purposes of this section:

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

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

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

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

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

II. A device that emits to the air any PFCs or precursors that have caused or contributed to an exceedance of an ambient groundwater quality standard or surface water quality standard as a result of the depo-

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

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

IV. Part of the initial application for a permit under this section shall include an analysis of best available control technology for controlling emissions. Any permit issued shall contain inspection, testing, and reporting requirements, as applicable, to ensure the conditions of the permit are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Perfluorochemicals

485:16-e Perfluorochemicals. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and other interested parties, initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

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

485-C:6 Ambient Groundwater Quality Standards.

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

II. ***Health advisories that are adopted as ambient groundwater quality standards shall be reviewed by the department at least***

every 5 years to determine if new research warrants revising the current ambient groundwater quality standard. If the department finds a revision is necessary it shall conduct rulemaking to adopt the revised standard.

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

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

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

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

7 Department of Environmental Services; Surface Water Quality Standards. The commissioner of environmental services shall develop a plan, including a schedule and cost estimates, to establish surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters for all designated uses. The commissioner shall submit the plan upon its completion, but no later than January 1, 2020, to the house resources, recreation, and development committee and the senate energy and natural resources committee.

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

9 New Paragraph; Transfer Language; Department of Corrections. Amend RSA 9:16-a by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any provision of law to the contrary, the commissioner of the department of corrections is authorized to transfer funds within and among all accounting units within the department to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to responds to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided if a transfer does not include new accounting units or expenditure classes, only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court and governor and council.

10 Effective Date.

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

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

2018-1930s

AMENDED ANALYSIS

This bill:

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

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

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

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

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

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

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

VIII. Authorizes the department of corrections to establish additional expenditure class lines with legislative fiscal committee and governor and council approval.

SENATOR D'ALLESANDRO: Thank you, Mister President. This does something very non-controversial. It gives to the Commissioner of Corrections the transfer authority that she needs to manage her budget. We've done this to a number of departments. We actually have this, we have had this in the budget on numerous occasions. It was left out and she needs this. It's on page 5, it starts on line 11, Arabic number 9, transfer language Department of Corrections. She needs this in order, as I said, to manage her budget. I've, I've talked to people about this and discussed it with them. We've been looking for a place to put this for a number of sessions. So, with that Mister President, I would appreciate the support of the body for the Department of Corrections.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Unfortunately in looking at the amendment 1930, I believe Senator D'Allesandro, they changed the title of the bill, but they left the balance of House Bill 1101 in the amendment. So, I actually would respectfully ask to special order this and we'll try to get the

correct amendment. The amendment that our friend from Manchester wants should go onto the balance of House Bill 1102, which deals with certified physicians. This bill is the PFOA water pollution bill.

SENATOR SANBORN: Mister President, would it, would it be appropriate ask the question, just divide the question and take out what you don't need and leave what's left?

SENATOR BRADLEY: Balance of the bill, 1102, would not be captured.

SENATOR SANBORN: Okay, thank you. Thank you.

Senator D'Allesandro withdrew Floor Amendment 2018-1930s.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Bradley, Dist 3

Sen. Sanborn, Dist 9

Sen. Avard, Dist 12

May 3, 2018

2018-1906s

01/04

Floor Amendment to HB 1102-FN

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

AN ACT enabling the department of health and human services to contract with certain certified physicians and relative to recommitment of a prisoner by the parole board.

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

2 New Paragraph; Parole of Prisoners. Amend RSA 651-A:19 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I or subparagraph VII(a) or (d), the parole board may impose a term of recommitment of less than 90 days for a prisoner whose arrest and parole revocation is determined by the board to be a result of or related to substance abuse, if the prisoner enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board and if the board determines that a recommitment of less than 90 days is necessary to assist the prisoner with substance abuse recovery.

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.

2018-1906s

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to contract with one or more physicians who are certified by an accredited addiction medicine or addiction psychiatry certifying body to review medication assisted treatment in New Hampshire.

This bill also authorizes the parole board to impose a term of recommitment of less than 90 days if the prisoner enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board and if the board determines that such recommitment is necessary to assist the prisoner with substance abuse recovery.

SENATOR CARSON: Thank you very much, Mister President. This is a, a bill that comes from a bill that passed this body. It deals with a request from the parole board concerning prisoners who are struggling with drug

or alcohol abuse. Unfortunately, the Governor vetoed the version that we sent to him and so there are, are just two minor changes here. On line 11, it says the parole board may impose a term of recommittal of less than ninety days for a prisoner whose arrest and parole revocation is determined by the board to be a result of or related to substance abuse. That's the change that's here. I hope you can support this. I think that this body through a number of years now has determined that we want to treat people that are struggling with drug and alcohol abuse rather than incarcerating them and if you pass this hopefully, we will continue the dialogue with the Governor and hopefully we can get something in place. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So, and I, whatever I say here will probably give rise to my colleague from District 14 to stand and say something more here. What my concern was with this bill and still is, is that a prisoner with substance abuse issues, SUDs, has the option of seeking alternative sentencing in their first sentencing or in this sentencing. And we've got programs under way that do alternative sentencing. Those are not necessarily ninety days or definitely not less than ninety days and it's a, it's a very well structured program and to put this under a parole board as opposed to through the court system where that alternative sentencing can take place, to me seems like a conflict. So, somebody's going to point out where my sense of relief that the Governor didn't sign this. It comes from alright, enough, maybe you can answer my issues with this. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to clarify. This deals with post sentencing. These folks have already been sentenced, they've served their time, they're on parole. I think we know that drug addiction is a very difficult thing for people to struggle with and often times when people go out on parole, they relapse. And so rather than sticking them back into prison, let's get them into treatment and that's what this language is trying to do. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Senator, for taking my question. Does the drug court process carry over into parole?

SENATOR CARSON: No, it doesn't.

SENATOR GIUDA: Thank you.

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

Senator Bradley moved to Lay on the Table HB 1102-FN. Adopted.

TRANSPORTATION

HB 2018, relative to the state 10-year transportation improvement program. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation

April 26, 2018

2018-1807s

06/01

Amendment to HB 2018

Amend the bill by replacing section 3 with the following:

3 Department of Transportation; Nashua-Manchester-Concord. The project named Nashua-Manchester-Concord, project number 40818, shall be modified to delete the development study for a rail corridor project and the project to design and develop a financial plan for bus service expansion from Concord to Nashua, or other eligible Boston UZA bus services, including parking facilities at existing and new bus terminals.

Amend the bill by replacing section 11 with the following:

11 Project Removed. The project named Hooksett, project number 24862 using 100 percent state aid highway program funds shall be removed from the 10-year transportation improvement plan 2019-2028 based on the elimination of the state aid highway funding.

Amend the bill by inserting after section 18 the following and renumbering the original section 19 to read as 21:

19 Project Restored. The project named Tilton, project number 29753, to reconstruct and re-classify 1.97 miles of Calef Hill Road shall be revised in the 10-year transportation improvement plan with engineering totaling \$256,375 in fiscal year 2020 and construction totaling \$2,336,795 for the biennium ending June 30, 2021, contingent on future funds appropriated by the general court.

20 Department of Transportation; Town of Hudson. The department of transportation is authorized to work with the town of Hudson to plan, engineer, and construct a roadway compatible with turnpike standards within the southern portion of a circumferential highway right-of-way between N.H. Route 3A and N.H. Route 111 in Hudson. Planning, engineering, and construction shall be funded solely with town funds.

2018-1807s

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation improvement plan for 2019-2028.
- II. Adds a corridor study of Route 114 in the town of Goffstown.
- III. Authorizes the department of transportation to construct and implement all electronic tolling, if feasible.
- IV. Authorizes construction and implementation of all electronic tolling (AET) at Dover and Rochester toll plaza locations and at the Bedford mainline toll plaza.
- V. Requires the department of transportation to make available an optional system of anonymous transponders.
- VI. Provides funding for construction of electronic tolling or open road tolling plazas, consultant services for the public private partnership infrastructure oversight committee, and improvements to central New Hampshire turnpike.
- VII. Moves construction funding for the project named Bedford-Merimack from 2019 to 2020.
- VIII. Removes funding for the project named Conway, project number 40018.
- IX. Removes the project named Hooksett from the 10-year transportation improvement plan 2019-2028.
- X. Restores and revises the project named Tilton, project number 29753.

XI. Designates \$100,000 of turnpike funds for the use of the public-private partnership infrastructure oversight commission.

XII. Amends the project named Newington-Dover.

XIII. Amends the scope of the project named Walpole-Charlestown and the project named Windham.

XIV. Moves funding for construction of the project named Nashua-Merrimack-Bedford-Manchester from 2022 through 2026 to 2021 through 2025.

XV. Moves funding for construction of the project named Manchester from 2026 to 2025.

XVI. Adds a project named Conway, previously removed from the state 10-year transportation plan, to the plan.

XVII. Authorizes the department of transportation to plan, engineer, and construct a highway in Hudson with town funds.

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 2018 Ought to Pass with Amendment. This bill adopts the ten-year, ten-year transportation improvement plan for 2019 through 2028. Among the many great projects outlined in this plan, there are several that are worth highlighting. The plan authorizes the Department of Transportation to construct and implement all electronic tolling if feasible and specifically at the Dover and Rochester toll plazas locations. And at the Bedford Mainline toll plaza. This is an important shift that will allow for faster travel and fewer accidents. Along with the electronic tolling, the Department of Transportation would be required to make a system of anonymous transponders available. The plan also adds a corridor study of route 114 in the town of Goffstown. It also changes the funding for construction of the Bedford-Merrimack project from 2019 to 2020 and removes funding for the project named Hooksett. The plan moves construction for the project named Manchester and the project named Nashua-Merrimack-Bedford-Manchester to earlier schedules. Additionally, the plans to designate \$100,000 of Turnpike Funds for the use of the Public-Private Partnership Infrastructure Oversight Commission. In terms of new projects, the plan adds a project named Conway which had previously been removed from the plan. It also authorizes the Department of Transportation to plan, engineer and construct a highway in Hudson with town funds. Overall, this is a sound plan that has been thoroughly worked on by DOT and many cities and town stakeholders. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 2018. Thank you, Mister President.

Senator Soucy moved to divide the question: Committee Amendment 2018-1807s, Section 3 (Lines 3-7) and then vote on the remainder of the amendment.

The Chair ruled the question divisible.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise again in opposition to the deletion of the development study for a rail corridor project and the project to design and develop a financial plan for bus service expansion from Concord to Nashua or other eligible Boston, use the A bus services, including parking facilities at existing and new bus terminals. My good friend from District 19 and her committee has chosen to, in spite of overwhelming testimony at the hearing and overwhelming testimony, 74 percent of the voters in our state, to delete the, once

again, this development study. For one thing, you know, tax cuts alone do not make a state more attractive to businesses. We need a comprehensive plan to do that. Rail and a multi-modal transportation plan would be part of that. The business community and our citizens have been calling on us for years to take action on commuter rail. And I'm disappointed that the Senate Republicans in the Transportation Committee have once again chosen to block this funding. Commuter rail is not a partisan or an ideological issue. It's something supported by both Republicans and Democrats, business leaders and working families. The people of New Hampshire and clearly the people in the southern part of the state continue to be frustrated by the lack of effort in this legislature to find a consensus way forward on commuter rail when the economic benefits and the environmental benefits have been shown to be undeniable.

Commuter rail includes a modern, safe transportation infrastructure that not only bridges a gap between employers and their need for an educated workforce, which is something that our businesses have been clamoring for, but also helps attract and keep young people in our state to drive future growth. These are all issues that we have been grappling with that everyone talks about and says, oh woe is me, what can we do about this? Well this is one thing we can do about it. This study costs the taxpayers nothing. It is the extension of the first part of the corridor rail study, which has already been done. This \$4 million is already set aside for this environmental and engineering portion of the study. I, it boggles my mind. I see no downside to keeping this in the 2018 capital budget. Please, you know, I hear it costs too much, etcetera. Even if we go ahead with this portion of the study, we are not committed to anything. Future Legislatures in, in their infinite wisdom can then decide to have all the information available and then decide if they want to proceed with commuter rail. To me, you know, it is just inconceivable that this is not something that we would keep in this plan. So, I urge you to vote against this portion of the amendment, so that the study can remain in the capital budget plan as sent over by the House. Thank you.

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

SENATOR GANNON: Just a couple questions. You were talking about no cost. Would you believe that the Downeaster costs the state of Maine to date \$300 million?

SENATOR LASKY: You know, I, I would believe that, but that doesn't necessarily mean that what we are proposing is and yes, for the most part, rail is something that is generally subsidized. But, the economic benefits, the benefits that it brings, the developmental benefits, may supersede what those particular costs might be. Again, what are you afraid of by having this study finished? By having more information? We talk all the time about how information's good, the more information we have, the better off we are. Except when it comes to rail.

SENATOR GANNON: You talked about keeping young people here. The high pay— you talked that this would bring in more youth hire. Would you believe that I believe it will do the opposite? The jobs pay, way superior I think, instead of sending the people to ARMI, they're going to go down to Cambridge for double the price. I think that your— And wasn't this already studied in 2014? Are you just repeating a study that we recently had?

SENATOR LASKY: No. This is not a repetition of a study. This is an extension and the engineering portion of what was started. As far as people, sure, there may, will be people who will work in Boston or work in Maine or work other places outside of New Hampshire. But they will come home here. Our young people, I hear it all the time, say, and start-up businesses, say I want to stay here, I love New Hampshire but I don't want to drive, I don't want to have that commute. It's a different mindset than we grew up with where you, you know, you had to drive your car and if you got further away than two parking spaces, it wasn't any good. It's not the same.

SENATOR GANNON: And you're aware that it cost Maine, they're losing \$10 million a year. It only pays the costs to the state or they have to pay 50 percent every year?

SENATOR LASKY: I'm, I'm certainly not here to argue with you about that. I wouldn't begin to do that. But perhaps you know their population may be growing. Their population, their economic growth may be growing. I don't know. I'm not able to comment on that.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I'm going to keep my remarks relatively short. With regards to making a comparison to the Downeaster, all I will say is that we do everything better than Maine. It's not a valid comparator. Come on. Regarding sending people to Boston on the train, last I checked I-93 did the same thing, so did Concord Trailways, so does C&J. The train might too, but everything flows both ways on all these routes. Every single mode of travel in the United States is subsidized. C&J is subsidized, so is Concord Trailways. I talked to Jim Jalbert who owns C&J. He supports this study. The bus company supports the study. Pease Airport receives a million dollars a year for a single air carrier named Allegiant. It doesn't even fly daily and has the highest profit margin of any airline in the industry. Allegiant, a million dollars. Quite a deal for the taxpayers isn't it? Rail, a dollar invested in rail has five times the impact on congestion as a dollar invested in highways. When are we going to add the next lane for several hundred million dollars to I-93 or I-95? Commuter demand is expected to grow by 58 percent by 2030. We know that rail improves the quality of life. Road congestion costs Americans \$121 billion per year or \$818 per commuter. In areas where there are more transit choices, people enjoy less air pollution and believe it or not, lower body weight. We can get thinner. Is that true? I don't know, but hey. And as Senator Lasky pointed out, 74 percent of New Hampshire residents, 74 percent of our constituent's support this. So, I encourage the body to get the study back in. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. If I want to support the Committee Amendment, I would vote yes now. And I'll tell you why I'm going to vote yes, and I will talk to my friend from Nashua. I'm not going to have the pleasure of serving with you much longer. You would get my vote for rail if we could bring rail to Nashua and see how it works, instead of going beyond Nashua, and that is the problem and the problem that we're debating on and what we're pushing ourselves down the road toward are \$300 million of capital costs and 10 or 12 million of operating cost. There needs to be some sort of staged approach and

know that the rail is going to work. And bringing it to Nashua, stopping there would be a more rational approach. That's why I'm not prepared tonight to support putting \$4 million in and a "yes" vote supports the Committee Amendment.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: I just want to say, I know it's getting late. As my good friend from District 3 said, this is a \$300 million capital expense that, in the beginning, that our constituents are going to have to pay for. The Downeaster loses \$10.6 million a year. The proponents on how they're going to pay for this rail is they want to, the funding is going to be through the New Hampshire State Capital Program, New Hampshire parking fees, vehicle registration fees, so that's going to be increasing the registration fees, which some people think may be unconstitutional. Municipal contributions, now you're talking Berlin, all the places up north who are not going to benefit from this; the counties on the west, Sullivan, they're not going to be able to benefit from this, but yet they're all going to be paying the municipal fees to fund this. REGI is going to be paying a portion of this, lottery revenues. This is not something that New Hampshire can afford right now. And I will say for those millennials, I can't figure them out either, Senator, but I know, my daughter, when, she lives in Salem, Mass. I asked her, you're right on the lines. Why don't you take the train into Boston, where she works? We can't afford it, it's too expensive for us. This is what we're leaving these kids. And when you look at the traffic. Massachusetts has lines from Salem down to Boston, from Haverhill down to Boston, from Lowell down to Boston, but you, the highways are still packed to the brim. It's not going to help the roadways. So, I ask you to support the Committee Amendment and thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. With all the respect to my esteemed colleague from District 3 and 19, you're jumping the gun. No one is asking the state to pay for anything. No one. All of this, your, your objections are premature. Senator Bradley, we can have, we can look at the information that's presented and a future Legislature can say only Nashua. Or it can say to the airport. Our airport is losing business. We can't afford to allow that to continue. There is, to me, again, all the objections you have may be viable. But right now, they are not. This is a gift, in my eyes. Which you don't all seem to want to accept. I, I don't get it. At any rate, you know, I'm not going to argue with you about the potential that, you know, could, could happen. But if we lie awake at night and worry about what's going to happen down the road, you all won't have a hell of a good retirement. I'll be fine. But at any rate, I urge you to vote down the Committee Amendment, so we can continue with the gift of the rest of this study into the capital plan. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the capital study. And let me tell you a little story. When I was in college at the University of New Hampshire, I used to take the train from Boston to Manchester. We had this beautiful train station, which urban renewal destroyed, just ripped it apart. So, we had this beautiful train station. I could get on, get on the train at North Station and come right up to Manchester to find my wife, which I did. So, it was, it was a great, I mean, it was a great trip, it was a great experience. We

used to have the snow trains in the old days. My aunt and uncle used to take the snow train up to North Conway and ski up there. So, all of a sudden, we had urban renewal which destroyed Manchester, really destroyed Manchester. Look at the beautiful buildings that were knocked down to create parking lots. And, of course, one of them was this beautiful train station. So, in 1970s, I'm, I'm on the Executive Council and the Lincoln Tannery is in trouble. So, what does New Hampshire do? We buy the Concord to Lincoln line. We bought it, so that we could save that business. We bought it. Now we don't pay much attention to it. Isn't that crazy? We're going to go to New York next week. We're going to take the train. We're going to take the train. We're going to drive to South Station, get on the train and we're going to go to New York, alright? My grandson is getting a big award, so we're going to go to New York and we're going to take the train. That's great. Look at how they've fixed up the station, Penn Station. How they've fixed it up, I mean, it really looks, even South Station, which used to be a dump, has been cleaned up and it looks pretty good. So why not take a chance? Why not take a chance? As Senator Lasky points out, we're taking \$4 million from the Federal Government and we're going to plan, we're going to plan. And something is going to happen because we can't expand the roads much more, much more, if any, to be honest with you and we talk about the Downeaster, but the Downeaster is full of people. And guess what? New Hampshire pays nothing. And look at the benefit we get out of it. Look at the benefit we get out of it. So just think about it. As a person who's ridden the train, I think it's, it's really a great experience and something we ought to think about. I'll end it by telling you this, I worked, I worked in a little town called Bracknell, which is about an hour outside of London. I did that for a couple years when I was working for the British Government, I was coaching. I used to get on the train every day, every day. Paddington Station in London and take the train to Bracknell. It was great. Can you imagine driving over there? No. Never going to happen. So, the trains were very important. I think it's an integral part of life and it's sort of a, it's a great experience, something we ought to think about and in the long run, when you look at the cost benefit ratios, think about the cost of taking freight for a mile on a train versus on a truck. Think about it. The wear and tear on the roads, the wear and tear on the vehicles and so forth, the pollution. It's really not a bad deal. Thank you, Mister President.

The question is on the adoption of Committee Amendment 2018-1807s, Section 3 (Lines 1-7).

PARLIAMENTARY INQUIRY

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

SENATOR LASKY: Thank you, Mister President. If I want to remain a Luddite, would I now vote to, and I hope you'll take that in the nicest way, would I now vote to, against the Committee Amendment for 2018?

PRESIDENT MORSE: If you're in favor of section 3, you're going to say aye. If you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

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

SENATOR GIUDA: Thank you, Mister President. If I did not want to offend Luddites, would I vote yes on the amendment? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of section 3, lines 1 through 7, you're going to say aye. If you're opposed, you're going to say nay.

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

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

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

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

April 27, 2018

2018-1824s

06/01

Floor Amendment to HB 2018

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

AN ACT relative to the state 10-year transportation improvement program and relative to the procedure for driveway permits.

Amend the bill by replacing all after section 20 with the following:

21 New Section; Excavation and Driveway Excavation and Construction Permit Application; Procedure. Amend RSA 236 by inserting after section 13 the following new section:

236:13-a Procedure. In processing applications for permits, or amendments to permits, under RSA 236:9 or RSA 236:13:

I. Within 30 days of receipt of such application, the department of transportation shall request any additional information required of the applicant or its agents to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant shall submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 90 days of the request, the department shall deny the application.

II. If the department requests additional information under paragraph I, the department shall, within 60 days of the department's receipt of all requested information:

(a) Approve the application in whole or in part and issue a permit;
(b) Deny the application and issue written findings in support of the denial; or

(c) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

III. If no request for additional information is made under paragraph I, the department shall, within 90 days of receipt of the application:

(a) Approve the application in whole or in part and issue a permit;
(b) Deny the application, and issue written findings in support of the denial; or

(c) Extend the time for rendering a decision on the application for good cause.

IV. The time limits under this section shall supersede any time limits provided in any other provision of law. If the department fails to act within

the applicable time frame established in paragraphs II and III, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. Nothing in this paragraph shall relieve the applicant from complying with all requirements applicable to the project, including but not limited to requirements established under this section and RSA 236:13.

22 Effective Date.

I. Section 21 of this act shall take effect 60 days after its passage.

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

2018-1824s

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2019-2028.

II. Adds a corridor study of Route 114 in the town of Goffstown.

III. Authorizes the department of transportation to construct and implement all electronic tolling, if feasible.

IV. Authorizes construction and implementation of all electronic tolling (AET) at Dover and Rochester toll plaza locations and at the Bedford mainline toll plaza.

V. Requires the department of transportation to make available an optional system of anonymous transponders.

VI. Provides funding for construction of electronic tolling or open road tolling plazas, consultant services for the public private partnership infrastructure oversight committee, and improvements to central New Hampshire turnpike.

VII. Moves construction funding for the project named Bedford-Merrimack from 2019 to 2020.

VIII. Removes funding for the project named Conway, project number 40018.

IX. Removes the project named Hooksett from the 10-year transportation improvement plan 2019-2028.

X. Restores and revises the project named Tilton, project number 29753.

XI. Designates \$100,000 of turnpike funds for the use of the public-private partnership infrastructure oversight commission.

XII. Amends the project named Newington-Dover

XIII. Amends the scope of the project named Walpole-Charlestown and the project named Windham.

XIV. Moves funding for construction of the project named Nashua-Merrimack-Bedford-Manchester from 2022 through 2026 to 2021 through 2025.

XV. Moves funding for construction of the project named Manchester from 2026 to 2025.

XVI. Adds a project named Conway, previously removed from the state 10-year transportation plan, to the plan.

XVII. Authorizes the department of transportation to plan, engineer, and construct a highway in Hudson with town funds.

XVIII. Establishes a procedure for processing applications for certain excavation and driveway permits.

SENATOR CARSON: Thank you, Mister President. This might look a little familiar to you. We passed this on a voice vote out of this body. It, it is relative to the State Transportation Improvement Program, but it's also relative to driveway permits. In discussions with members of this body, there are a lot of problems with issuing of driveway permits on our state roads. The Department of Transportation is taking way too long to either approve or deny these permits and the developers are struggling. These people are providing our citizens with jobs and as with any business, delay means money. So, what this amendment tries to do is to get the Department of Transportation to really work on getting these permits out in an acceptable amount of time, so they're not holding up projects in our communities. Thank you very much, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I want to commend the Senator from District 14 for bringing this forward. We worked hard on this in Senate Transportation. We came up with a good bill. Really think we need to give direction here to get moving on these permits. We have a good process here. It's good for development and I hope we support it. Thank you, Mister President.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

Sen. Daniels, Dist 11

May 3, 2018

2018-1932s

08/05

Floor Amendment to HB 2018

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

AN ACT relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.

Amend the bill by replacing section 9 with the following:

9 Bedford to Merrimack. Construction funding for the project named Bedford-Merrimack, project number 16100, shall be moved from 2019 to 2020. The scope of the project shall include improvement to the Bedford mainline toll plaza to include the option of open road tolling or all electronic tolling, and the construction of a noise reducing barrier wall on the F.E. Everett turnpike in the area of Teaberry Lane in the town of Bedford.

Amend the bill by inserting after section 20 the following and renumbering the original section 21 to read as 26:

21 Committee Established. There is established a committee to study the removal of the tolls at exit 10 and exit 11 on the F.E. Everett Turnpike in the town of Merrimack.

22 Membership and Compensation.

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.

23 Duties. The committee shall study:

I. Removal of the exit 11 toll on the F.E. Everett Turnpike in the town of Merrimack upon the expiration of the bond, and the financial implications of such removal.

II. Removal of the exit 10 toll on the F.E. Everett Turnpike in the town of Merrimack in fiscal year 2024, and the financial implications of such removal.

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

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

2018-1932s

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2019-2028.

II. Adds a corridor study of Route 114 in the town of Goffstown.

III. Authorizes the department of transportation to construct and implement all electronic tolling, if feasible.

IV. Authorizes construction and implementation of all electronic tolling (AET) at Dover and Rochester toll plaza locations and at the Bedford mainline toll plaza.

V. Requires the department of transportation to make available an optional system of anonymous transponders.

VI. Provides funding for construction of electronic tolling or open road tolling plazas, consultant services for the public private partnership infrastructure oversight committee, and improvements to central New Hampshire turnpike.

VII. Moves construction funding for the project named Bedford-Merrimack from 2019 to 2020 and adds construction of a noise reducing barrier wall.

VIII. Removes funding for the project named Conway, project number 40018.

IX. Removes the project named Hooksett from the 10-year transportation improvement plan 2019-2028.

X. Restores and revises the project named Tilton, project number 29753.

XI. Designates \$100,000 of turnpike funds for the use of the public-private partnership infrastructure oversight commission.

XII. Amends the project named Newington-Dover.

XIII. Amends the scope of the project named Walpole-Charlestown and the project named Windham.

XIV. Moves funding for construction of the project named Nashua-Merrimack-Bedford-Manchester from 2022 through 2026 to 2021 through 2025.

XV. Moves funding for construction of the project named Manchester from 2026 to 2025.

XVI. Adds a project named Conway, previously removed from the state 10-year transportation plan, to the plan.

XVII. Authorizes the department of transportation to plan, engineer, and construct a highway in Hudson with town funds.

XVIII. Establishes a committee to study removal of the Merrimack tolls.

SENATOR GIUDA: Thank you, Mister President. This amendment authorizes construction funding for the project named Bedford-Merrimack number 16-100 and moves it from 2019 to 2020. It includes improvement to the Bedford mainline toll plaza and construction of the noise reducing barrier wall on the Everett Turnpike in the area of Teaberry Lane in Bedford.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to this amendment, particularly because of what we have in lines 11 and 12 in the construction of the sound, the noise barrier wall. There's a reason we have the 10-year highway plan. There's a reason we have the GACIT process. As you know, it requires regional planning commissions to work with DOT to develop a list of projects. Those are vetted, comes into the 10-year highway plan, GACIT takes out to hearing, the Governor gets it and we get it as House Bill 2018. Now, there are a lot of times when things don't get into the plan. It's a tough process. I, I've been around here long enough to remember when they used to call it the 30-year plan, not the 10-year plan, because it was too loaded up with projects, so even we didn't have it. And think back to before there was GACIT when you can imagine the politics of who was going to get whose project and how are we going to fund this or that. And the point of GACIT is to say that we have to have a rational process. And this issue has been looked at and it's been, and, and this, this sound barrier problem, it is a problem. We recognize that. But because there's a demand for these, the DOT has a process and a set of criteria whereby there is funding for sound barriers. Now, if they meet the criteria when we have the type 1, and we have federal funding and they can be included in that. This was not at that time. And so, we would have to come up with monies from other projects in your districts to fund this. And I might add, there's a neighborhood in my district that's worse than this one. More people, more noise, same situation and then I have another one in my district. Larger neighborhood, more noise. It's a problem.

Now, what we did about this, in Senate Transportation, is the Chair of the committee said to the Senator from District 9, we recognize it's a problem. What we ought to do, because I think there's 80 to \$120 million potential price tag for taking care of this sound barrier. It's something, I don't remember the exact, but it's something in that range. So, we said what we need to do is to accept that we've got to do something about it, but let's do it rationally, let's develop a plan. And then we can start putting in the 10-year highway plan a certain number of dollars every two years to get at this list and do something about it. Otherwise, we have a free for all. How would you have felt if in House Bill 2018, what was it, House Bill 1817 and that provision for the \$28 million for red

listed bridges, the Senate President had just brought in \$20 million of projects in his own district? No, no, we wouldn't do that. We wouldn't do that. And I, I think this is, I mean I didn't run downstairs and put in amendments to throw in funding because I know it breaks the 10-year highway plan process. Well, for just another example. Okay, so you know we have the Dover Point Bridges. Big project, going on for a long time now, people are getting really tired of it. And then we had the Everett Turnpike projects. Now when push came to shove there because we didn't have enough revenues on the tolls we had to delay for a couple of years the completion of Dover Point. I didn't like that, but I understood rationally that we had to take care of the Everett Turnpike. We had to do that, so that's the way it goes. I just think we ought, we ought to vote this down because of those lines. We cannot bring it, a last-minute backdoor thing in here, that benefits one district, breaks the process and essentially breaks the 10-year highway plan. And there is not funding sitting there at the DOT for this or for these other projects. An \$80 million problem, Chair of transportation brought forward a plan to deal with it and I think we ought to respect her in this regard and vote this down. Thank you, Mister President.

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

SENATOR FULLER CLARK: Senator Watters, would you believe that Pannaway Manor on I-95 has been waiting for a noise barrier since the 1970s and that we had the opportunity just to go there two weeks ago and to listen to the level of noise because of the increase in traffic day in and day out, night in and night out on I-95. They look forward to the summer when there's so much traffic the cars aren't moving, and then it's quiet. So, would, how, how – I wonder how you would feel, how my community would feel if legislation today that we see in this amendment came forward and passed.

SENATOR WATTERS: Thank you for the question and isn't that exactly the problem? That property you describe is certainly more deserving of funding than this one here at Teaberry Lane. Many more people, much greater problem. But we have the process, we know we have an \$80 million backlog on this. That's why what the Chair of Senate Transportation's suggested was the right way to go. Thank you.

SENATOR FULLER CLARK: Thank you very much for taking the question. (The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Disregarding the fact that a sound barrier's currently being built in the Senator from District 4's area, near the Bellamy River, the fact is that the closeness of the interstate to the people in Bedford is dreadful, okay? They might have a thirty-foot barrier. The highway came in, okay? And they took the land, okay? The people were there first. They are so close that the sound levels are ridiculously high. It's been about twenty years. That's an entire generation that grew up bombarded by trucks and horns and sirens and just the rush of traffic, okay? This is about taking care of people. We hear that all the time, so I say we take care of the people. We've been down this road, there are some technical consequences, technical problems with this, but those problems existed before the highway was built. And so, I would ask you to support this because it's the right thing to do for people who have been incredibly put upon by a federal highway project that comes literally into their back yards. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Tuesday night, I spent four and a half hours with DOT at an informational hearing in Merrimack on the widening of the F. E. Everett Turnpike. They had it all laid out, it starts down in Merrimack and goes up to the 293 intersection with 101. And throughout that area, there are, there are six to seven places in there that they have proposed sound barriers. That's what most of the people wanted to talk about that night. The area that is going to be expanded also includes this area. And there's a little bit of history that goes on here. It started, it started in the last term when I was on Transportation. This issue came up with people testifying they could stand in their back yards, but they couldn't hear themselves talk, they had to yell at each other. And that was because of the issue that the Senator from District 2 mentioned that their houses were there, they widened the road. The state's solution to this was to put up a six-foot stockade fence. Now that does absolutely nothing for the sound. Now you're talking about widening the road even more, encroaching even closer to those residents who have been disenfranchised all this time. While the project is there, now is the time to fix the problem. We have that, we have that opportunity, opportunity and while the good Senator from District 4 talks about how a rational approach needs to be taken, we'll also submit to you that an honest approach needs to be taken. We need to be honest with the people when we're taking their privacy away from them. We need to be honest with them on the other section of here when we're talking about removing tolls.

My proposal on the toll part is that we establish a study committee between House and the Senator to look at removing the toll at exit 11 in 2020. And I'll say that the tolls that exist right now at exit 10 and 11 both, the bonds both expire around 2020. So, I'm proposing that we study developing a plan to take out the toll in 2020 at exit 11 and look at the financial ramifications of it and then I'm proposing the removal of the toll at 2024 on exit 10. And the reason I'm, I'm designating 2024 is that two terms ago we took out the toll at exit 12. That was kind of a compromise on when we raised the gas tax. But I was told Tuesday night that the bond on the toll that was taken out actually ran until 2024. So, in all fairness, I thought that we could hold onto the toll at exit 10, which would capture most of the traffic that would be coming north to go the outlets in Merrimack. Hold that out to 2024 in an, an issue of fairness. But, you know, what kind of upset me is when these tolls were put in, there's kind of a commitment made to people that when the bonds expire, they're going to be taken out. Well that doesn't happen. In this case here, you know, they, they baked in 2.63 million for the remainder of the 10-year plan, so you've got about, about 18 million. Maybe add a couple million on for the removal, so I'd conservatively say 20 million for the removal of both of those tolls over the course of that project. We need to find revenue to offset that, that the toll would do. That would be one of the purposes of the study committee going forward. But folks, this is all about commitment and being good neighbors with our residents. The state in one case imposed upon a, a neighborhood that now has caused, caused privacy concerns. Again, there were many more on the same area that, that night when they talked about the concerns they had with the widening. Most of it was about sound. I'm saying let's, let's take care of the problem at one time. We've got that opportunity during the project to not only put in the sound barrier that should have been there for some time, but also take out the toll. And I started to say, there is a little bit

of history. From my first term here I was on Transportation. I brought this issue in and I was told, well, it really should go to Capital Budget. So, I brought it to Capital Budget and they said, well, it really should go to Finance. So, I took it to Finance and they said, well, it really should go in the 10-year plan. So, you know, we're right back around in circles. That needs to stop and we still need to start fulfilling our commitments. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. With regards to 1932s, I really don't have a problem with the committee established. I think it's a fair point to study the removal and since we've already got that, the money obligated, I think it's a fair way to look at the possibility of removing the tolls. I just want this body to proceed with caution on the Bedford to Merrimack sound barriers because this is going to cost. We have \$124 million I believe in the tier ones and there's up to 200, I think it's 250 million DOT said between tier one and tier twos. So, that's an awful lot of money. And again, I did put in that bill to study it because this is an obligation I think we have to our constituents who are being impacted. But it's also, I think, a part of the municipality who have put themselves, had put their constituents in there because they've taken some of their land and said to limit it to two, two and a half acre lots, so that the density of that, their areas don't match up to the, to the federal guidelines. So, I just ask the body to proceed with caution on this. I know there's no appropriation here and just proceed with caution. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President, but I think that all that should be said has been said.

Senator Watters moved to divide the question: Floor Amendment 2018-1932s, Section 9 (Lines 1-12) and then vote on the remainder of the amendment.

Recess. Out of recess.

The Chair ruled the question divisible.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I urge the body to vote no on the first part of this amendment. I certainly support what Senator from District 11 wants to do with the committee there, look at those tolls. I do think we have previous action on the proposal in the first part here and having voted it down and urge the body to do so again. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the first part of the divided question. Promises made to people almost twenty years ago to put up a sound barrier. That was never done. And the encroachment on your privacy and the sound, their ability to have a quiet evening is draconian. The concern for the density, okay, I would submit that the housing was established long before the highway ever went through. Say it existed before, well it may be a concern. The fact is that it was a pre-existing condition that DOT knew about and the feds knew about it. So, the right thing to do is to honor the commitment that was made to these people twenty years ago when that highway

was widened. And a joke was made by putting up a barrier fence that is not a soundproof wall. We need to do the right thing and honor our commitments to our citizens. When DOT or the feds make a promise, I think it's incumbent on this body to carry through on those promises and so I ask you to support this, this motion. Thank you, Mister President.

The question is on the adoption of Floor Amendment 2018-1932s, Section 9 (Lines 1-12).

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

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

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

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

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

Senator Birdsell moved to divide the question: Ought to Pass with Amendment: Sections 3 and the effective date, and then vote on the remainder of the bill.

Recess. Out of recess.

The Chair ruled the question divisible.

POINT OF ORDER

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

SENATOR DANIELS: Could you identify what section 3 is, please?

PRESIDENT MORSE: We'll actually read the whole section:

SENATE CLERK: Section 3 is the Department of Transportation Nashua-Manchester-Concord the project named Nashua-Manchester-Concord Project number 40818, which consists of a project development study for a rail corridor shall be modified to also include a project to design and develop a financial plan for bus service expansion from Concord to Nashua or other eligible Boston UZA bus services including parking facilities at existing and new bus terminals.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Go over section 27. That's the one that's not a part of the amendment.

PRESIDENT MORSE: That's the effective date.

SENATOR KAHN: And what, what's, what's the change? Is there a change?

PRESIDENT MORSE: No. You're voting on the bill that's been amended. So, you're back to the base bill right now and you're voting on section 3 and 27.

PARLIAMENTARY INQUIRY

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

SENATOR LASKY: Thank you. If I want to abide by the vote that we just had on section 3, I would vote – wait a minute – no on this portion of the House Bill 2018. Right? Yes. No, she wants to take it. I'm sorry, I'm confused. So, somebody else do the parliamentary. Yes, okay? I did I say yes? I'm sorry.

Recess. Out of recess.

PARLIAMENTARY INQUIRY

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

SENATOR SOUCY: Mister President, if I want to ensure that section 3, which will provide valuable information and planning and the consideration of rail, if I want to ensure that that stays in this legislation, would I vote yes?

PRESIDENT MORSE: If you're in favor of sections 3 and 27, you're going to say aye. If you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

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

SENATOR BRADLEY: If I believe that we should reflect the position of the Transportation Committee and vote against the rail study, would I now vote no on the pending question.

PRESIDENT MORSE: If you're in favor of section 3 and 27, you're going to say aye. If you're opposed, you're going to say no.

The question is on the adoption of Ought to Pass with Amendment: Section 3 and the effective date.

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

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

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

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

The question is on the adoption of Ought to Pass with Amendment: Remainder of the bill.

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

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

The following Senators voted No: Carson.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 2018, relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.: Ought to Pass with Amendment: Remainder of the bill. Adopted.

The question is on the adoption of Ought to Pass with Amendment: Remainder of the bill.

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

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

The following Senators voted No: (None)

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

MOTION TO REMOVE FROM THE TABLE

Senator D'Allesandro moved to remove HB 1102-FN from the Table. Adopted.

FINANCE

HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians and relative to recommittal of a prisoner by the parole board.

The pending motion is Ought to Pass with Amendment.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

May 3, 2018

2018-1933s

05/08

Floor Amendment to HB 1102-FN

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

AN ACT enabling the department of health and human services to contract with certain certified physicians and authorizing the department of corrections to establish additional expenditure class lines with fiscal committee and governor and council approval.

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

2 New Paragraph; Transfer Language; Department of Corrections. Amend RSA 9:16-a by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any provision of law to the contrary, the commissioner of the department of corrections is authorized to transfer funds within and among all accounting units within the department to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to responds to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided if a transfer does not include new accounting units or expenditure classes, only transfers over \$75,000 shall require prior approval of the fiscal committee of the general court and governor and council.

3 Effective Date.

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

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

2018-1933s

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to contract with one or more physicians who are certified by an accredited addiction medicine or addiction psychiatry certifying body to review medication assisted treatment in New Hampshire.

The bill also authorizes the department of corrections to establish additional expenditure class lines with legislative fiscal committee and governor and council approval.

SENATOR D'ALLESANDRO: Thank you, Mister President. As I mentioned, the, the amendment just gives transfer authority to the Department of Corrections in order for her to meet her financial obligations. Something we have done in the past. It's been in the, in the budget on numerous occasions. It was just missed this time. I hope my colleagues will support it. The commissioner needs it in order to run the department. Thank you, Mister President.

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

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

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

Recess. Out of recess.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1636 from the Table. Adopted.

EDUCATION

HB 1636, establishing a committee to study teacher preparation and education programs and relative to chartered public school use of unused school district facilities.

The pending motion is Ought to Pass with Amendment.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

May 2, 2018

2018-1898s

04/05

Floor Amendment to HB 1636

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

AN ACT establishing a committee to study teacher preparation and education programs, relative to chartered public school use of unused school district facilities, and establishing a death benefit for a school employee killed in the line of duty.

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

7 New Chapter; Death Benefit for School Employee Killed in Line of Duty.
Amend RSA by inserting after chapter 189 the following new chapter:

CHAPTER 189-A

Death Benefit for School Employee Killed in Line of Duty

189-A:1 Death Benefit for School Employee Killed in Line of Duty.

I. In this section:

(a) "Family" means the surviving spouse of the school employee; or, if there is no surviving spouse, the surviving dependent child or dependent children, of such school employee or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or

adult children, the surviving parent or parents of such school employee. A surviving dependent child shall include a dependent step-child whose expenses of daily living were substantially paid for by the decedent at the time of the death.

(b) "School employee" means any person, full or part time, who is employed by a public school in the state of New Hampshire.

(c) "Public school" means any public school or public academy approved by the state of New Hampshire pursuant to state laws and regulations, including the university system of New Hampshire and the community college system of New Hampshire.

(d) "Killed in the line of duty" means the death of a school employee while in the performance of his or her duties as a result of violence by another, who purposely causes that death or purposely causes serious bodily injury which is the direct or proximate cause of the death of the school employee.

II. In addition to any other benefit for which the school employee or family is eligible, the state treasurer shall pay a \$100,000 death benefit to the family of a school employee killed in the line of duty; provided that under no circumstance shall a family member responsible for the school employee's death be eligible for such benefit. Payment to a dependent child shall be made to the child's trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The attorney general or a designee from the department of justice shall review the records that relate to the circumstances of the employee's death and shall render a determination whether the incident qualifies as a line-of-duty death as defined in subparagraph I(d).

(a) Such determination shall be rendered within 45 days of documented notice of the incident.

(b) If the death of the school employee is determined to qualify as a line-of-duty death as defined in subparagraph I(d), the attorney general or a designee from the department of justice shall notify the commissioner of the department of education, who shall adopt the attorney general's recommendation and submit a request to the governor for payment of the benefit.

(c) Any records received in order to make the determination if the school employee's death qualifies as a line-of-duty death as defined in subparagraph I(d) shall be exempt from RSA 91-A. Upon the request of the decedent's family, any medical records or other records which otherwise are nonpublic shall be destroyed following the vote by the governor and executive council on this matter.

IV. Neither the state nor its agencies or employees shall be civilly liable for any improper payment of the line-of-duty death benefit as provided in this section.

8 Effective Date.

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

II. Section 7 of this act shall take effect January 1, 2019.

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

2018-1898s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs, makes unused school district facilities available to chartered public schools, and establishes a death benefit for a school employee killed in the line of duty.

SENATOR KAHN: And I still rise for the same purpose, 1898s, to offer that to the body. We discussed previously death benefit for school employees killed in the line of duty. I would remind the body that if you look at the current state statutes, chapter 21-1, the wording that is in this amendment is exactly the wording that is in current statute for the death benefit for police officers or fire fighters killed in the line of duty. This amendment would offer the same opportunity or benefit to those killed in the line of duty as a school employee, while in the performance of his and her duties as a result of violence by another. Mister President, I ask that the body consider this and pass it along with the rest of this bill. Thank you.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Giuda, Gray, Ward, Daniels, Morse.

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

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17

May 3, 2018

2018-1925s

04/10

Floor Amendment to HB 1636

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

AN ACT establishing a committee to study teacher preparation and education programs, relative to chartered public school use of unused school district facilities, and establishing education freedom savings accounts for students.

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

7 New Chapter; Education Freedom Savings Accounts. Amend RSA by inserting after chapter 194-D the following new chapter:

CHAPTER 194-E

EDUCATION FREEDOM SAVINGS ACCOUNTS

194-E:1 Definitions. In this chapter:

I. "Account" means an education freedom savings account established for an eligible student pursuant to this chapter.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Eligible student" means a New Hampshire resident who is at least 5 years of age and not more than 20 years of age, who has not graduated from high school and is:

(a) Currently attending a New Hampshire public school, including a chartered public school, and for whom the adequate education grant in the next school year would be reduced if the student were removed from the average daily membership calculation; or

(b) A kindergarten student; or

(c) Receiving home education pursuant to RSA 193-A.

V. "Nonpublic school" shall mean any public academy or private school approved for attendance by the department.

VI. "Parent" means the natural or adoptive parent or legal guardian of an eligible student.

VII. "Postsecondary institution" means an institution within the university system of New Hampshire or the community college system of New Hampshire.

VIII. "Program" means the education savings account program established in this chapter.

IX. "Resident school district" means the public school district in which the eligible student resides.

X. "Scholarship organization" means a charitable organization incorporated or qualified to do business in this state that:

(a) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;

(b) Complies with applicable state and federal anti-discrimination and privacy laws;

(c) Is registered with the department of justice, director of charitable trusts; and

(d) Has been approved by the department of revenue administration for the purpose of issuing scholarships pursuant to RSA 77-G:5.

XI. "Treasurer" means the treasurer of the state of New Hampshire. 194-E:2 Program Eligibility.

I. There is established an education freedom savings account program. The parent of an eligible student may receive a grant from a scholarship organization if the parent signs a contract with the scholarship organization in which the parent agrees to provide an education for the eligible student in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music.

II. The parent of an eligible student who signs a contract with a scholarship organization agrees to use the funds deposited in an eligible student's account for any of the following qualifying educational expenses:

(a) Tuition for course fees at any public school, chartered public school, nonpublic school, or program approved by the department pursuant to RSA 186-C:5.

(b) Textbooks, curriculum, or supplemental materials required to administer the curriculum.

(c) Payment to a tutor or tutoring facility.

(d) Fees for transportation to and from an educational service provider paid to a fee-for-service transportation provider, not to exceed \$750 per school year.

(e) Tuition and fees for online learning programs.

(f) Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides.

(g) Tuition and fees at a postsecondary institution.

(h) Computer hardware and software and other assistive devices if an eligible school, licensed or certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals.

(i) Fees for a nationally standardized norm-referenced achievement test, advanced placement examination, or any exam related to college admission.

(j) Contributions to a Coverdell education savings account established under 26 U.S.C. section 530 for the benefit of the eligible student, except that funds used for elementary or secondary education expenses may be used for expenses otherwise allowed under this section.

III. The parent of an eligible student shall be provided copies of all signed agreements.

IV. The parent of an eligible student shall be required to annually renew the agreement to continue participation in the program.

V. No eligible student shall receive a grant under this chapter and an education tax credit scholarship pursuant to RSA 77-G in the same school year.

VI. Eligible students participating in the program may participate in curricular and co-curricular courses and programs pursuant to RSA 193:1-c. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

VII. An agreement shall be automatically terminated if the eligible student no longer resides in this state, and any funds remaining in the account shall be returned to the state treasury.

VIII. The failure to enter into an agreement pursuant to this chapter for any school year for which an eligible student is required to attend a public school shall not preclude the parent of such student from entering into an agreement for a subsequent school year.

194-E:3 Program Funding and Payment.

I. The scholarship organization shall notify the commissioner of any eligible student whose parents have signed an agreement under RSA 194-E:2.

II. The commissioner shall transfer to the scholarship organization 90 percent of the per pupil adequate education grant amount pursuant to RSA 198:40-a, plus any differentiated aid, which would be disbursed to the municipality in which the student resides, for deposit into the eligible student's account.

III. The commissioner shall transfer to the scholarship organization 50 percent of the per pupil adequate education grant amount pursuant to RSA 198:40-a for an eligible student entering kindergarten for deposit into the eligible student's account.

IV. The funding for an eligible student receiving home education shall be as provided in RSA 77-G:2, I(b).

V. Funds received pursuant to this program shall not constitute income taxable to the parent of the eligible student or to the eligible student.

VI. In exchange for the parent's agreement pursuant to RSA 194-E:2, the state treasurer shall transfer funding to the eligible student's account established by the scholarship organization. The transfers shall be made in accordance with the distribution of adequate education grants under RSA 198:42.

VII. All eligible student accounts shall be held in institutions qualified by the state treasurer.

VIII. A scholarship organization shall receive 5 percent of the adequate education grant, including any differentiated aid for which the student would be eligible pursuant to RSA 198:40-a, for administrative expenses.

IX. The department may conduct an audit of an eligible student's account as needed to ensure compliance with this chapter.

X. The department may remove any eligible student from the program for non-compliance with program eligibility requirements of RSA 194-E:2.

(a) The parent may appeal the decision of the scholarship organization to the department.

(b) Any funds remaining in the account for that student shall be sent to the state treasury.

XI. At the time of the eligible student's graduation from a postsecondary institution or after a period of 2 consecutive years after high school graduation in which the eligible student does not enroll in a postsecondary institution, the eligible student's account shall be closed, the parents notified, and any remaining funds shall be returned to the state treasury.

XII. The scholarship organization or the department may refer cases of fraudulent misuse of funds to the attorney general for investigation.

XIII. A school or educational service provider pursuant to RSA 194-E:2 shall not share, refund, or rebate any program funds with the parent or eligible student in any manner.

XIV. Parents may make payments for the costs of educational programs and services not covered by the funds in their accounts.

XV. A scholarship organization may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this chapter.

194-E:4 Scholarship Organization; Requirements. A scholarship organization shall:

I. Develop and maintain agreement forms in cooperation with the department.

II. Provide copies of agreements signed by parents of eligible students to the department.

III. Comply with all federal and state laws regarding student privacy.

IV. Review all receipts for fees and services pursuant to 194-E:2, II.

V. Provide biannual reports on the number of students participating in the program, the providers of services to students, and the value of the program funds to the department, chairman of the house education committee, and the chairman of the senate education committee.

VI. Provide an annual report to the speaker of the house of representatives, the president of the senate, the chairman of the house education committee, the chairman of the senate education committee, the governor, and the department including:

(a) The number of eligible students with accounts.

(b) A list of schools and service providers including the number of eligible students served.

(c) The value of program funds utilized for services during the year.

VII. Conduct an annual survey of parents of eligible students with accounts. The survey shall include the number of years the parent has been in the program, the relative satisfaction of the parent with the program, and suggestions of the parent for improvement. The survey shall be included in the annual report.

VIII. Conduct an annual audit of all accounts of eligible students.

194-E:5 School and Provider of Educational Services; Requirements.

I. Schools and educational service providers shall comply with all federal and state laws regarding student privacy.

II. Schools and educational service providers shall furnish receipts for eligible services pursuant to RSA 194-E:2, II to the parent and the scholarship organization.

III. The school district in which the eligible student resides shall provide a participating school or educational service provider that has admitted an eligible student under this program with a copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232 (g), and state policies.

194-E:6 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

8 Effective Date.

I. Section 7 of this act shall take effect 60 days after its passage.

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

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

2018-1925s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs; makes unused school district facilities available to chartered public schools; and establishes education freedom savings accounts for children between 5 and 20 years of age.

SENATOR REAGAN: We ... This is the biggest local taxpayer saving measure that any of us will ever have a chance to pass. We passed it before. I don't want to get into all the hundred other reasons. That's my reason for offering it. And I hope you will support it.

Recess. Out of recess.

PRESIDENT MORSE: I just want to explain the parliamentary situation because I'm sure people have questions. We've adopted a lot of amendments today that the intent of the amendments are to get stacked together. I will certainly read that on this bill, but I want everyone to understand that and at the end of the day, just in case, there wasn't one read in on any bill during the day, I'm going to read it again to cover the whole day. So, anyhow, I just want everybody to understand where we are right now.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, colleagues. I rise to urge we vote against this amendment. We know that the House repeatedly voted against this and I think that Representative Kurk put it best in talking about the potential \$100 million hit on our municipalities if this passes. I also would like to, to add that our feelings, a united group of ten members of my caucus, our feelings about this, and we've communicated to the other caucus about the potential consequences of this. Now I'll say, I happened to be in Washington for fisheries meeting, had a couple free hours and I went to the Museum of the Bible, and I recommend you go to the Museum of the Bible. And they had the children's area, you know, and for reasons you might guess, I've always liked the story of Samson, you know, for the hair, okay? But they have the little place there the kids could go and push the pillars and watch the temple come down. And I will just say that if you don't want the temple to come down, then don't chain Samson to the pillars. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, 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.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

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

MOTION TO REMOVE FROM THE TABLE

Senator Woodburn moved to remove HB 1477-FN from the Table.

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

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

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

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

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate for Thursday, May 3, 2018. Adopted.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. Before I read the third reading motion, I think we should all thank our pages for hanging in here. I also think that we should thank all the staff who made just the last two days possible. And while we're at it, let's thank the Fourth Estate and everybody that hung with us in the gallery.

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 Giuda: HB 1458

Senator Sanborn: HB 114, HB 169-FN, HB 317, HB 407-FN, HB 1101-FN, HB 1102-FN, HB 1103-FN, HB 1104-FN, HB 1233, HB 1238, HB 1313, HB 1316-FN, HB 1356, HB 1392, HB 1402, HB 1427-FN, HB 1458, HB 1468, HB 1476, HB 1515, HB 1538-FN, HB 1550, HB 1562-FN, HB 1565-FN, HB 1592-FN, HB 1614, HB 1626-FN, HB 1636, HB 1673-FN-L, HB 1686-FN, HB 1743-FN, HB 1775, HB 1791-FN, HB 1809-FN, HB 1816-FN, HB 1817-FN, HB 1819-FN, HB 1822-FN, HB 2018

Senator Soucy: HB 407-FN

LATE SESSION

Third Reading and Final Passage

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

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

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

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

HB 1102-FN, (Third New Title) enabling the department of health and human services to contract with certain certified physicians and authorizing the department of corrections to establish additional expenditure class lines with fiscal committee and governor and council approval.

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

HB 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 1233, preempting local regulation of seeds and fertilizer.

HB 1238, relative to animal cruelty involving an equine colt.

HB 1316-FN, relative to revenue collected from concealed carry licenses and relative to funding the permits and licensing unit of the state police.

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services; making an appropriation to the department of business and economic affairs for relocation costs; and relative to the exemption for recreational vehicles from property taxation.

HB 1392, relative to tallies of votes on budget items or warrant articles.

HB 1402, relative to ordinances regarding forestry activities.

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act and relative to immunity for campground owners.

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

HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.

HB 1538-FN, limiting the liability of successor corporations for asbestos-related claims.

HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

HB 1562-FN, relative to collaboration between the department of health and human services and foster parents and relative to the disposition of interests in condominium units.

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

HB 1592-FN, requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic.

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

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

HB 1636, (Third New Title) establishing a committee to study teacher preparation and education programs, relative to chartered public school use of unused school district facilities, and establishing education freedom savings accounts for students.

HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments and relative to prorated assessments for damaged buildings.

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

HB 1743-FN, relative to funding for the Sununu youth services center and relative to positions at the department of health and human services.

HB 1775, relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing.

HB 1791-FN, (New Title) allowing pharmacists to disclose information relative to lower cost drugs under the managed care law and relative to biological products dispensed by pharmacists.

HB 1809-FN, relative to balance billing under the managed care law and relative to coverage for emergency services.

HB 1816-FN, relative to Medicaid managed care.

HB 1817-FN, (Eighth New Title) establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; relative to the inclusion of a demographic analysis as part of the legislative fiscal note process; relative to salary increases for state employees and making appropriations therefor; making an appropriation for red list bridge projects; making an appropriation to the revenue stabilization account; relative to disproportionate share hospital payments and making an appropriation therefor, and relative to the uncompensated care and Medicaid fund.

HB 1819-FN, relative to administration of the education tax credit.

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

HB 2018, relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.

PRESIDENT MORSE: I just want to make one announcement that came while I was at the rostrum today. And that came to the Clerk because I don't have my phone. It was my daughter telling me she's graduating with honors and she'll graduate next week.

MOTION TO RECESS TO CALL OF THE CHAIR

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

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

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 189-FN, requiring insurance policies to cover 3-D mammography.

SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 193-FN, establishing education freedom savings accounts for students.

SB 240-FN-LOCAL, relative to the monitoring and treatment of contaminated wells.

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 420, relative to collective bargaining under the right-to-know law.
SB 447, relative to issuance of renewable energy certificates.

April 30, 2018
2018-1845-EBA
06/05

Enrolled Bill Amendment to HB 1329

The Committee on Enrolled Bills to which was referred HB 1329

AN ACT relative to eyewitness identification procedures.

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 1329

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1329

Amend section 1 of the bill by replacing line 5 with the following:

595-C:1 Definitions. In this chapter:

Amend RSA 595-C:1, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. "Live lineup" means an identification procedure in which a group of persons, including

Amend RSA 595-C:1, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. "Photo lineup" means an identification procedure in which an array of photographs,

Amend RSA 595-C:2 as inserted by section 1 of the bill by replacing line 2 with the following:

conducts photo lineups, live lineups, or show-ups shall adopt a written policy that sets forth the

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 27, 2018
2018-1825-EBA
08/10

Enrolled Bill Amendment to HB 1497

The Committee on Enrolled Bills to which was referred HB 1497

AN ACT relative to accountability for school performance.

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 1497

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1497

Amend RSA 193-H:1, III(a)(2) as inserted by section 1 of the bill by replacing line 2 with the following:

state based on the same methodology used in subparagraph (1).

Amend RSA 193-H:1, III(b) as inserted by section 1 of the bill by replacing line 3 with the following:

determinations shall be made every 3 years following the initial identification period.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 3, 2018

2018-1909-EBA

05/01

Enrolled Bill Amendment to HB 1577

The Committee on Enrolled Bills to which was referred HB 1577

AN ACT relative to the administration of anesthesia by dentists.

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 1577

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1577

Amend RSA 317-A:12, XII-b as inserted by section 1 of the bill by replacing line 4 with the following:

undergoing general anesthesia, deep sedation, moderate sedation, and subsequent

Amend RSA 317-A:17, II(l) as inserted by section 2 of the bill by replacing line 5 with the following:

all of the patients shall be physically in the same room to allow continuous visual contact with all

Amend RSA 317-A:20, II(c) as inserted by section 3 of the bill by replacing line 1 with the following:

(c) The rules of the board shall require an appropriate number of hours of

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 1, 2018

2018-1860-EBA

03/04

Enrolled Bill Amendment to HB 1738

The Committee on Enrolled Bills to which was referred HB 1738

AN ACT transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

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 1738

This enrolled bill amendment corrects 2 references in the bill.

Enrolled Bill Amendment to HB 1738

Amend section 5 of the bill by replacing line 1 with the following:

5 New Section; Department of Business and Economic Affairs; Division of Travel and

Amend section 7 of the bill by replacing line 8 with the following:

in 2017, 155:1, accounting unit 03-35-35-352510-2005, is hereby transferred to the department of business

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2018

2018-1790-EBA

06/04

Enrolled Bill Amendment to HB 1739-FN

The Committee on Enrolled Bills to which was referred HB 1739-FN

AN ACT prohibiting female genital mutilation.

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 1739-FN

This enrolled bill amendment makes a grammatical correction and establishes a contingency to resolve a conflict with HB 1683-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1739-FN

Amend the introductory paragraph in RSA 632-A:10-d, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. A person is guilty of a class A felony if:

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

3 Abused Child; Definition. Amend RSA 169-C:3, II(e) to read as follows:

(e) Subjected, by any person, to human trafficking as defined in RSA 633:7; **or**

(f) Subjected to an act prohibited by RSA 632-A:10-d.

4 Contingency. If HB 1683-FN of the 2018 regular legislative session becomes law, section 3 of this act shall take effect and section 2 of this act shall not take effect. If HB 1683-FN does not become law, section 2 of this act shall take effect and section 3 of this act shall not take effect.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 1, 2018

2018-1844-EBA

10/04

Enrolled Bill Amendment to SB 314

The Committee on Enrolled Bills to which was referred SB 314

AN ACT relative to regulation of mortgage bankers, brokers, servicers, and originators.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 314

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 314

Amend RSA 397-A:2, I(d) as inserted by section 1 of the bill by replacing line 3 with the following:

in a commercial context. It shall be a rebuttable presumption that an individual is not engaged in the

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2018

2018-1823-EBA

04/10

Enrolled Bill Amendment to SB 321

The Committee on Enrolled Bills to which was referred SB 321

AN ACT relative to group host net energy metering.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 321

This enrolled bill amendment adds a contingency to incorporate changes made in SB 367 of the 2018 legislative session.

Enrolled Bill Amendment to SB 321

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

3 Net Energy Metering; Group Host Requirements; Contingent Version. Amend RSA 362-A:9, XIV(a) to read as follows:

XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators. The group of customers shall be ~~[default service customers]~~ ***located within the service territory*** of the same electric distribution utility as the host. The host shall provide a list of the group members to the commission and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The commission shall verify that these group requirements have been met and shall register the group host. The commission shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the commission.

4 Contingency. If SB 367 of the 2018 regular legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of SB 367, and section 1 of this act shall not take effect. If SB 367 does not become law, section 1 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

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

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 4, 2018
2018-1934-EBA
04/03

Enrolled Bill Amendment to SB 369-FN

The Committee on Enrolled Bills to which was referred SB 369-FN
AN ACT relative to the publication of the rulemaking register.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 369-FN

This enrolled bill amendment inserts a contingency to avoid a conflict with HB 1281 of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 369-FN

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

2 Administrative Procedures Act; Rulemaking Register. Amend RSA 541-A:9 to read as follows:

541-A:9 Rulemaking Register.

I. The director of legislative services shall publish *directly online a* weekly [a] rulemaking register which shall contain:

(a) Notice of intended rulemaking actions.

(b) Notice of rules adopted under RSA 541-A:14, RSA 541-A:18, and RSA 541-A:19.

(c) Nonconfidential opinions of the attorney general under RSA 541-A:28.

(d) Final objections under RSA 541-A:13, V.

(e) Notices of continued or postponed public comment hearings under RSA 541-A:11.

(f) Notices of declaratory rulings issued pursuant to rules adopted under RSA 541-A:16, I(d).

(g) Notice for the submission of comments on possible rulemaking under RSA 541-A:11, VIII.

(h) Publication of notice of the list of regulated toxic air pollutants and classifications by the department of environmental services under RSA 125-I:4.

(i) At the request of any agency, any other notices or documents related to rulemaking, at the discretion of the director.

(j) A list of proposals filed under RSA 541-A:12, I and proposed interim rules filed under RSA 541-A:19, II, and placed on the agenda for committee review at a regularly scheduled or special committee meeting.

I-a. Prior to publication and with prior notice to the agency, the director of legislative services may correct typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission, provided the corrections do not affect the substance of the notice.

I-b. The date of publication of the rulemaking register shall be the date on which the register is available to the public on the general court information services web site.

I-c. The director of legislative services may prescribe the specific electronic file format for all documents provided by state agencies for inclusion in the register.

II. The rulemaking register shall be made available [upon request to agencies and officials of this state] free of charge. [The director of legislative services shall send a paper or electronic copy of the rulemaking register upon request to the clerk of each municipality in the state and upon request to any member of the general court free of charge. Municipalities and members of the general court shall be deemed to have requested an electronic copy unless a paper copy is specifically requested. Paper copies of the register which are sent to municipalities and to members of the general court shall be sent by first-class mail.]

[III. Paper copies of the register shall also be made available upon request to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.]

3 Contingency. If HB 1281 of the 2018 regular legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on the effective date of HB 1281 and section 1 of this act shall not take effect. If HB 1281 does not become law, section 1 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1822-EBA
06/10

Enrolled Bill Amendment to SB 412

The Committee on Enrolled Bills to which was referred SB 412

AN ACT relative to agritourism.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 412

This enrolled bill amendment makes grammatical changes.

Enrolled Bill Amendment to SB 412

Amend RSA 425:4, IX as inserted by section 2 of the bill by replacing lines 4 and 5 with the following:

whether or not a municipality's ordinance, bylaw, definition, or policy regarding agritourism activities conflicts with RSA 21:34-a. The commissioner's jurisdiction shall be limited to the

Amend RSA 425:4, IX as inserted by section 2 of the bill by replacing line 19 with the following:

limited to, an allowance for timely intervention of an aggrieved party. A municipality shall furnish

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 1, 2018
2018-1862-EBA
08/03

Enrolled Bill Amendment to SB 591-FN

The Committee on Enrolled Bills to which was referred SB 591-FN

AN ACT relative to accreditation of health care providers by pharmacy benefit managers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 591-FN

This enrolled bill amendment inserts a contingency to prevent duplicate provisions from being enacted if HB 1746-FN of the 2018 regular legislative session becomes law.

Enrolled Bill Amendment to SB 591-FN

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

3 Contingency. If HB 1746-FN of the 2018 regular legislative session becomes law, sections 1-2 of this act shall not take effect. If HB 1746-FN of the regular legislative session does not become law, section 1 of this act shall take effect upon its passage and section 2 of this act shall take effect June 20, 2020.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

HB 1593, authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.

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

HB 1808, repealing certain inactive dedicated funds.

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

SB 323, relative to rehiring of laid off classified state employees.

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

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

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

SB 482-FN, relative to confidential emergency medical and trauma services data.

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 390, relative to parties on certain election forms and ballots.

HB 1215, relative to voting on variances.

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

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

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

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

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

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

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

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

HB 1613, relative to operation of uninspected vehicles.

HB 1615, relative to speed limits in work zones.

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

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

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

SB 91, relative to the title loan default process.

SB 92, relative to the consumer complaint process at the banking department.

SB 172-FN, relative to non-menace dams.

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

SB 346, relative to requiring enhanced technology ignition interlock devices.

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

SB 376-FN, relative to the sale of certain cold medications.

SB 387-FN, relative to liability of governmental units.

SB 388, relative to dispensary locations for therapeutic cannabis.

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

SB 410-FN, establishing a commission to study creating a boat safe card.

SB 416, relative to transportation network company drivers.

SB 424, relative to property and casualty insurance.

SB 444, relative to cutting timber near certain waters and public highways.

SB 445, designating the Warner River as a protected river.

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

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

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